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The Career Patterns of Negro Lawyers in New Orleans

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**THE CAREER PATTERNS OF NEGRO LAWYERS
IN NEW ORLEANS**

A Thesis

**Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Master of Arts**

in

The Department of Sociology



**by
Barbara Marie Guillory
B.A., Dillard University, 1957
June, 1960**

MANUSCRIPT THESES

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ABSTRACT

This is the first systematic study of the career patterns of Negro lawyers in the South. Two main hypotheses have guided the collection and analysis of data. The first, proposed by Gunnar Myrdal, states that all Negro professionals are "imprisoned" in the Negro problem. The second hypothesis, proposed by William Peters, holds that leadership in the Negro community is shifting from ministers toward lawyers.

In order to test these hypotheses data from four main sources were collected:

1. a thorough review of pertinent literature,
2. personal interviews with all twenty Negro lawyers practicing in New Orleans,
3. interviews with selected white lawyers, court officials, and law school deans in Louisiana, and
4. interviews with selected race relations leaders.

Negro lawyers in New Orleans are recruited from all socio-economic segments. Upon close observation we see that they come from homes in which at least one parent was ambitious with regard to their schooling and occupational achievements. They are dedicated to their profession and, as Myrdal suggested, manifest a strong identification with the Negro's struggle for equal civil rights.

Practically all of their clients are Negroes, and even these must be acquired in competition with white lawyers. They have little contact with their white colleagues because opportunities for informal contacts are limited by law and tradition, and they are not invited to participate in formal programs sponsored by the state and local bar associations. In order to promote their own professional growth they belong to the segregated Martinet Society.

All of the lawyers are active in Negro "uplift" organizations to which they are making important contributions. They are not, however, replacing Negro ministers as leaders of the Negro masses, as Peters hypothesized. Rather, they tend to extend the influence of the ministers by adding a sense of realism and practicality to the Negro's struggle to attain equal civil rights.

CHAPTER I

INTRODUCTION

A. STATEMENT OF THE PROBLEM

Gunnar Myrdal, in his monumental study of the Negro problem in American society, points out that the "Negro genius" whether he be scholar, artist, businessman, community leader or an independent professional is "imprisoned in the Negro problem." According to him, there "is throughout the entire history of the United States no single example of an exception to this rule important enough to be cited."¹

The main problem to be analyzed and interpreted in this study of Negro Lawyers in New Orleans is whether or not the "imprisonment" Myrdal observed on the part of Negro intellectuals, generally, is valid also when applied to Negro lawyers in New Orleans. We would like to know if, in fact, the Negro lawyer, who seeks a "broader career" is "pressured by the expectancy on the part of society" and forced willy-nilly into the role of a "Negro champion," as Myrdal believed to be true of other Negro intellectuals.

We would like also to know if there are uniform social pressures in the life and histories of the several Negro lawyers which, as Myrdal suggested, "condition their per-

¹Gunnar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), p. 28.

sonalities" and predispose them to consider their role as Negro as the predominant role in their social participations. In other words, does the Negro lawyer think of himself as a Negro lawyer rather than as an American lawyer? And if he does, is he prone to judge his success as a Negro lawyer in relation to other Negro lawyers rather than by the norms set by the legal profession generally, in regard to education, success in the courts, income, and in terms of his professional and social status? Again, does he think of himself primarily as a defender of the "Negro cause," or as a defender of justice in a broader sense of the word?

Not only are we interested in the self-conception of the Negro lawyer, but we are interested in the ways in which he is conceived of, (1) by members of his own profession, (2) by white court officials, (3) by the white community, (4) by Negro clients, and (5) by the Negro community itself.

William Peters analyzing Negro leadership during this period of crisis in race relations, concluded that:

It is probably significant--and it says something about the nature of the Negro's struggle in the South today--that as a new group emerges there is a perceptible trend away from ministers and towards lawyers as the dominant leaders of the Negro community.²

One important purpose of this study is to see whether or not this trend is actually significant in New Orleans.

²William Peters, The Southern Temper, Doubleday and Company, Inc., New York, 1959, p. 189.

This is the reason why the study of Negro lawyers in New Orleans is closely related to the Leadership Study being conducted by Daniel C. Thompson.³

B. THEORETICAL ORIENTATION

In a recent paper, Bates⁴ proposed what appears to be a fruitful theoretical approach to the study of an occupational situs. According to him, an occupational situs consists of all the positions and roles which a person has in a given occupation. Beginning with the general theoretical approach suggested by Bates, the analysis of occupational situs applied in this paper seeks to extend and refine this approach in relation to the career patterns of Negro lawyers in New Orleans. The analysis will be limited to four major professional roles played by these lawyers--legal colleague, legal defender, legal advisor and community leader.

Legal colleague. In connection with the lawyer's role as legal colleague, we shall be interested here in his mem-

³Dr. Thompson is engaged in a study of race relations leaders in New Orleans. His research is supported by a grant from the Ford Foundation.

Included in his sample of leaders are those in religion, education, business, labor, politics, communication, civic affairs, and law.

Ordinarily Dr. Thompson's study is concerned only with the most influential, or "top", race relations leaders. Since, however, he too is interested in testing Peters' hypothesis that Negro lawyers are tending to replace Negro ministers as the "top" leadership in the Negro community he sponsored this study of the "Career Patterns of Negro Lawyers in New Orleans" as a sub-study.

⁴Frederick L. Bates, "An Outline of Structural Concepts," Unpublished paper, 1958.

bership in the American Bar Association, Louisiana Bar Association, New Orleans Bar Association, National Bar Association, Martinet Society and other professional societies.

Our main purpose in this connection will be to analyze the nature and purpose of these various legal societies and from a positive point of view, to see to what degree the lawyers are able to achieve their personal goals and professional development through membership in these societies. From a negative point of view, we shall be interested to know the extent to which the professional development of Negro lawyers is hindered by limited membership and restricted participation in the legal societies dominated by white lawyers. We will be especially interested in the techniques Negro lawyers employ in order to compensate for a lack of, or certainly restricted, contacts with white lawyers, and important all-white professional groups.

Legal defender. In his role as legal defender, the lawyer may try a variety of cases. In general, however, all of the cases tried by the lawyers may be summarized under three main types: criminal, civil and civil rights.

In connection with criminal cases, Negro lawyers in New Orleans, like lawyers generally, have handled such cases as murder, rape, robbery, fraud, forgery, libel and so forth. Among the civil cases these lawyers have handled are cases involving divorces, successions, mortgages, immigration and compensations.

As we will show later, most of the Negro lawyers in

New Orleans have a decided preference for civil rights cases. As a rule these lawyers think of civil rights primarily in terms of Negro people, however, in a few instances, they have been sought out by members of other minority groups.

Legal advisor. As legal advisors, the lawyers included in this study are available as counselors on matters of taxation, bails, contracts, wills, estates, individual rights, peace, and other matters pertaining to civic and public undertakings. Some of the lawyers rely heavily upon this role as a means of building up their clientele.

Community leader. Perhaps one of the most valuable roles played by the lawyer, as a citizen, is that of community leader. Up until now leadership in the Negro community has been dominated by ministers and to some extent educators. Traditionally, it was the minister whom the masses followed, and although the educator usually appealed to only a small number of people in the Negro community, his leadership role was very important because often it was through him that Negroes negotiated with the "white world."

Until recently, there were few if any Negro lawyers in southern communities. Consequently, the philosophy of leadership in general, and race relations in particular, articulated for the most part the moralistic and idealistic dogma of orthodox Protestantism. There was a tendency on the part of Negro leaders to rely primarily upon "conversion" of "their people" who needed motivation and guidance, and

and also to "convert" white "men of power" who advocated principles and laws designed to restrict Negro progress.⁵ With the advent, so to speak, of the Negro lawyer, it is to be expected that as a participant in community organizations, advisor to established Negro leaders, and representative of the Negro's legal struggle to gain equal civil rights, the ministers' and educators' philosophy of leadership should be tempered with realism and practicality.

Throughout this study, we will be mainly concerned with the active and latent roles of the Negro lawyers. By active role,⁶ we mean the role the lawyer is acting out at a particular time and place, such as counseling a client or addressing a bar association. At all other periods these roles may be designated as latent. Only one role can be active in a particular position at any given instant of time. Hence, according to Bates, a given role is latent when the individual's behavior is no longer influenced by the prescription of the role. We will proceed then, on the assumption that a latent role does not consciously or observably affect the behavior of the individual.

It is readily apparent that certain important roles of the lawyer generally are not often active insofar as Negro lawyers in the study are concerned. Some, of course,

⁵Daniel C. Thompson, "Patterns of Race Relations Leaders," Unpublished paper, 1959.

⁶For a fuller discussion of active and latent roles, see Bates, op. cit.

are "temporarily" latent, such as active membership in the Martinet Society. Some are "eternally" latent, such as those which the Negro lawyer has never had an opportunity to play, (for example, as an officer in the New Orleans Bar Association).

We may also distinguish between active and latent roles in terms of the particular specialization which a lawyer may choose. For instance, some lawyers specialize in divorce cases, some in civil rights, some in labor, and so forth. Conceivably, however, the lawyer is prepared to handle cases in all of these categories. This means that when the lawyer is acting in one of these specialized areas, all other possible roles he might play are latent. So in actual fact, most of the Negro lawyers in New Orleans may be classified as "general practitioners," in which case specialized roles are only 'temporarily' latent. Any white lawyer in Louisiana may normally aspire to become a judge in any Louisiana court. Up until now no Negro lawyer has ever held that status. We may say then, that this role is "eternally latent" for Negro lawyers.

A further analytical tool which might be fruitfully used in an interpretation of the "career patterns of Negro lawyers in New Orleans" is that of role frustration. Role frustration as used here is meant to describe a situation in which an individual is prevented from fulfilling certain expectations of one role because to do so would prevent him

from fulfilling some expectation of another role he is expected to play. Role frustration may occur on two distinct levels. First, role frustration may occur within a single position, (intra-positional). Second, frustration may occur between roles characteristic of different positions, (inter-positional). An example of the first might be the experience which many Negro lawyers have in their role as community leaders. Most often they are members of Negro "uplift" organizations where decisive plans are made to promote the "Negro cause." Because these lawyers are generally young and espouse the ambition and industry so highly valued in the middle class, they are likely to be impatient in the achievement of the civil rights goals of Negroes. Yet, if they are to be of significant help to Negroes in the struggle for equal civil rights they must be realistic and practical. Thus, for example, they may feel called upon to remind an organization or prominent leader that some such goal as the desegregation of public schools can not be done within a few months, but may actually take several years before legal entanglements can be cleared away.

An example of inter-positional conflict may be illustrated by an experience reported by one of the prominent leaders included in the study. This lawyer was retained to defend some Negro youths who were accused of a serious crime. In seeking to apprehend these youths, the policemen violated certain civil rights of the families involved, by searching their homes without warrants or permits. In learning about

this incident, several prominent Negro leaders demanded that the conduct of the policemen should be thoroughly investigated, and that if they were guilty of illegal search, they should be punished. The general tone of this criticism was to the effect that there is a tendency on the part of white policemen to violate the civil rights of Negroes, and that this practice must be thoroughly "aired" in order that it might be curbed.

In his roles as legal defender and community leader the Negro attorney in question had to make a difficult decision. As a Negro leader he agreed that white policemen often violate the civil rights of Negroes with little or no fear of punishment, and this should indeed be curbed. As legal defender his main job is to get his clients freed of the charges, or at least a minimum sentence. Therefore, when a white colleague agreed to make a compromise with him to the effect, that if he would have the charges against the white policemen dropped, he would see to it that the charges against the Negro boys were also dropped or reduced. The Negro attorney experienced deep conflict. He wanted to be a spokesman for the Negro community and for his clients. But for the legal welfare of his clients, he chose to compromise the civil rights ideals he held. Thus, he was frustrated in the performance of his role as a "race man," to use Myrdal's term, by his professional obligation to clients.

According to some of the lawyers interviewed, the Negro community has not yet accorded them, as lawyers, the high social status which white lawyers are accorded in the community generally. At first glance, this seems to be out of keeping with the fact that the Negro lawyer has much less status competition within the segregated Negro society, that is competition with other well-established status groups, such as executives, bankers, industrialists, and so forth, as is true of his white colleagues. Upon closer observation, however, the validity of the Negro lawyer's complaint is understandable. Actually, there are several reasons why the Negro lawyers may not have as high a social status in the Negro community as does the white lawyer in the community generally.

1. The Negro lawyer, as we will point out subsequently, is a very recent phenomenon in the Negro community. Therefore, he has not had time to "prove" himself. Neither has the Negro community had time to make room for him in its status structure. At the present time, the Negro lawyer's status in the community is more or less undefined.

2. The legal profession in the white community is highly valued because of its long history, and is continually enriched by the great army of successful white lawyers who hold top political positions, the highest positions in the judiciary system, honored positions in community affairs,

and positions giving them great wealth. In a word, according to statements made by outstanding white leaders in New Orleans, white lawyers have a significant position in the "power structure" of the community. Some white leaders actually feel that lawyers in New Orleans, as a group, are more powerful than any other single group insofar as decision-making is concerned.

In contrast to the rich legal tradition which the young white lawyer automatically inherits, the young Negro lawyer is forced into a position where he has to achieve his own social status as a lawyer. This is so because he does not automatically inherit all of the rights and privileges which the young white lawyer automatically inherits. For example the young white lawyer, just out of law school, is often expected to attach himself to an old, well-established and respected law firm. In such a position he has not only the opportunity to work with some of the most city-wide lawyers of highest prestige in the nation, but he also has the opportunity of coming in contact with clients of great wealth and prestige. The Negro lawyers, who are not considered for such positions, are therefore barred from the opportunity of inheriting the prestige and contacts of which the young white lawyers of equal training and capabilities may avail themselves. Consequently, all young Negro lawyers are expected to achieve prestige, whereas a large number of

young white lawyers may have prestige and contacts ascribed to them. All of the young white lawyers are in a position to share in the long and respected legal traditions established by notables over the centuries. The Negro lawyer, according to the evidence at hand, may still be described as an "outsider."

3. It is a well-known fact in academic circles that the status of the professional is a function of the status of his clientele. Thus, the architect, who builds houses for famous people, the physician whose practice is primarily restricted to the upper class, the undertaker who serves the best established and wealthy families, and the teacher who teaches in schools where children of the more established families attend, all will have higher prestige within their profession than those whose services are available to less prestiged clientele. The same is true with the lawyer. The status of the individual lawyer in the legal profession, as well as in the community, generally reflects the status of his clientele. Therefore, the Negro lawyer, whose practice is confined primarily to Negro people, is likely to hold a lower status than his white colleague, simply because the status of Negroes generally is relatively low in some parts of the United States. Individual lawyers get their status in terms of their specialization. For example, criminal and corporation lawyers are differently rated. The corporation lawyer is likely to enjoy a higher status within the

profession, in like manner the Negro lawyer is likely to be known as a "Negro lawyer," regardless of the type of practice in which he engages. In other words, it is difficult if not impossible for the Negro lawyer to achieve as high a status as the white lawyer until his clientele, the Negro people achieve an equally high status.

In a later chapter we will have an opportunity to see how this fact may help to explain the reason why all of the Negro lawyers are strongly motivated to raise the social status of the Negro people. Their status is inextricably interwoven with that of the Negro race as a whole.

C. A NOTE ON THE LITERATURE

This is the first systematic study of Negro lawyers in the South. Actually, as will be pointed out later, the profession of law is just beginning to attract Negroes in New Orleans. With one exception, all of the Negro lawyers in the city began their practice within the last ten years. Before that time, there were only two or three practicing at any given time. Consequently, there is no literature available which treats the Negro lawyer in New Orleans as a distinct social group, and there is little mention of Negro lawyers as individuals.

For the most part we have had to rely on scattered statements, often unpublished, papers presented before bar associations and newspaper reports for whatever recorded

information needed in our analysis of the "career patterns of Negro lawyers in New Orleans." From time to time, however, we have drawn upon well known sources in sociology, social psychology and history for theoretical and methodological orientation.

D. METHODOLOGY

In order that we might get as complete a range of data as possible about the "career patterns of Negro lawyers in New Orleans," four interrelated approaches were used.

1. A thorough review of pertinent literature was made in order to delineate as clearly as possible exactly what roles are to be included in the occupation of law. For this purpose, it was necessary to do a careful analysis of the official publications of the various bar associations, especially papers read by outstanding barristers.

2. Each of the twenty Negro lawyers, constituting all those admitted to the bar as of August 1, 1959, was interviewed. In interviews with these lawyers, two different "schedules" were used. The first schedule,⁷ with approximately one hundred questions regarding their socio-economic background, training, religious affiliation, income, philosophy of race relations, and community activities was completed.

⁷This schedule is the main one being used in Thompson's study of race relations leaders in New Orleans.

Administering this schedule took approximately three hours. The second schedule was designed specifically to study the Negro lawyer. The questions on this schedule were designed to get all pertinent facts about the Negro lawyers' participation and activities as lawyers. As a rule, the interview time was divided into periods of one to two hours. This meant that at least two, and very often three or four, separate visits were necessary with each lawyer before both schedules were completed. Because several visits were necessary in order to complete the schedules the interviewer had ample time to develop a meaningful relationship with each of the interviewees. This was beneficial because on several occasions it was necessary to call individual interviewees and ask for clarification of statements and other information, which were provided freely on a friendly and personal basis.

Since the director of the "Leadership Study" is well known and the study he is directing has been well publicized, the interviewer had no difficulty at all in getting the lawyers to set aside ample time to complete the schedules.

3. A third type of data used in this study is that gotten primarily from certain white lawyers and court officials who were interviewed concerning the Negro lawyer's role in the New Orleans Courts. To supplement these data, there were also structured interviews with deans of the law schools in Louisiana from which these attorneys had graduated.

4. A fourth very basic type of information used in this study is that provided through interviews with what might be regarded as the "top" race-relations leaders (Negro and white) in New Orleans. These leaders in their comments about the various groups in New Orleans who are working for community betterment, provided us with some valuable information about the role which Negro lawyers are playing during this period of "racial crisis" in the South.

In the following chapters, data gathered from these sources will be analyzed and interpreted.

CHAPTER II

THE RECRUITS

A. THE NUMBER OF LAWYERS IN NEW ORLEANS

Basic to an interpretation of the social role of the Negro lawyer in New Orleans is the fact that there are only twenty Negro lawyers compared with approximately 1,300 white lawyers. This means that the ratio of white lawyers to Negro lawyers is approximately sixty-five to one despite the fact that Negroes constitute over thirty-five per cent of the population in the city. Therefore, when the ratio of white lawyers to Negro lawyers is compared we can get some idea of the extent to which the Negro population has traditionally depended upon the white lawyer for whatever legal advice they needed. However, looked at from another point of view, the number of Negro lawyers in New Orleans is indeed significant.

The twenty Negro lawyers in New Orleans represent the largest number of Negro lawyers in any other southern city. This may be due in part to the fact that there is in the State "a Negro law school," Southern University, that is easily accessible. Graduates from this law school automatically receive certification to practice law in the state. In all other Southern states, except South Carolina, Negro lawyers

generally receive their degrees from Negro law schools outside the state, and often find great difficulty in passing the bar examination given by their individual states. Therefore becoming a Negro lawyer in Louisiana is relatively easy and much less expensive than is the case in most other southern states. The increase in numbers of Negro lawyers in New Orleans is a recent development. At the close of World War II, there was only one Negro lawyer practicing in New Orleans, and not more than three in the entire state. At the present time there are approximately forty Negro lawyers in Louisiana. This is about twice as many as there are in any other southern state.

Many reasons may be offered to explain why there are so few Negro lawyers in New Orleans, and also why the number has increased relatively rapidly during the past decade. Perhaps the most important reason is that until very recently courts throughout the South were generally "lily-white." Historically, the courts were the basic instrument used by southern whites to validate segregation laws, to prevent any form of integration, and to discourage any effort of social mobility on the part of the Negro masses. Gunnar Myrdal, in his comprehensive work, pointed out that customarily throughout the South, white policemen, all-white juries, and court officials conspired to prevent "social equality" on the part of Negroes. He concludes

that;

the whole judicial system of courts, sentences, and prisons in the South is overripe for fundamental reforms. It represents a tremendous cultural lag in 20th century America. Reform in this field--especially in the courts, would be strategic in the efforts to improve the Negro people and their living conditions, and consequently to improve race relations.¹

Therefore, until recent years ambitious young Negroes did not choose law as a profession because the whole judiciary system in the South was regarded to be a "lily-white" institution. As a rule Negroes were excluded from jury service, and few, indeed, were optimistic enough even to aspire for recognition and respect in this institution acknowledged to be the "bulwark" of the white supremists. During the 1940's, however, the long, expensive fight waged by Negroes finally bore fruit, in the sense that the Federal Courts began reversing sentences involving Negroes where Negroes were systematically excluded from jury service. During this time also, Negroes throughout the South, particularly in New Orleans began fighting for equality in public education, under the 1896 Plessy vs Ferguson Supreme Court Decision. This fight for "civil rights" on the part of Negroes necessitated the use of the knowledge accumulated by Negro scholars and with which the Negro lawyers were more familiar than their white colleagues. Thus lawyers such as Thurgood Marshall, included in their briefs little known

¹Gunnar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), p. 555.

but valid social data regarding the "evils" of segregation and discrimination. Because these Negro attorneys were armed with such revealing and convincing data they not only had glorious victories, insofar as the courts are concerned, but they also emerged as "Negro champions" and their "heroics" before the courts no doubt served as a powerful incentive for other young, ambitious, Negroes to follow in their professional foot steps.

It is not surprising, then, that throughout the South there has been a rapid increase in the number of Negroes admitted to the various state bars and, as we shall have an opportunity to see later, practically all of them expressed some interest in constitutional law and how it might be interpreted to advance the Negro people. It seems, then, that the prophetic statement of Gunnar Myrdal regarding the strategic role which the courts would play in improving the living conditions of Negroes, is on the way to fulfillment. Equal rights for Negroes seem to become more a reality as more Negro lawyers are added to the organizations struggling for the "advancement of colored people."

B. SOCIO ECONOMIC BACKGROUND

If we define social class as a segment of the population in which individuals have similar occupational status, educational attainment and "style of life," it may be said that most of the twenty lawyers in New Orleans are recruited

from lower middle class families. Their parents were generally poor but respectable and although many of them held common laborer jobs or were engaged in semi-skilled occupations, all were decidedly religious and manifested at least some interest in community affairs. In actual fact, only three of the attorneys came from families in which the annual income was \$5,000 or over.

It is also interesting to note the education of their parents. Among the Negro lawyers only two came from homes where one of the parents was a college graduate. One of the parents was a high-school principal for many years, and the other was an insurance executive. More than half of the lawyers stated that their parents did not graduate from high school. Unlike what is true in the Negro community generally, where the women are usually better educated than their husbands, among the lawyers interviewed we find that half of them came from families in which the mother had only graduated from elementary school. Only two had graduated from high school, and none had graduated from college.

According to the evidence we have, it may be said that practically all of the Negro lawyers in New Orleans are recruited from "proletarian" backgrounds. It should be expected, therefore, that the "poor" but "honest" families from which the lawyers come would affect their racial philosophies and the definition of their profession in the society generally and in the Negro community in particular.

In summary, therefore, we find that the Negro attorneys in New Orleans are recruited from all social classes in the Negro community but as a group it is accurate to conclude that they come from predominantly lower-middle class homes. This is a segment in Negro society well-known for industry, morality and the determination that their children become as successful, as success is defined by the more prosperous and better-educated middle class. Generally, parents in the lower middle class Negro segment have little in the way of economic goods and material well-being to offer their children, yet they attempt to make up for this deficiency by instilling in them high ideals, industry and self-respect. As might be expected, then, that when asked what they regarded as the basis for their professional achievements and community recognition and respect, all of the lawyers attributed their success (or the success of anyone) to such virtues as ambition, hard work, honesty, diligence, responsibility, high ideals, humility and, interestingly enough, patience. It is easy to see that the virtues these lawyers feel to be essential in achieving professional success and community respectability are precisely the values that are perpetuated by the Christian Church and have been the source from which lower middle class Negroes have received their inspiration and informal education as leaders in their local churches. It is obvious that the lawyers, although secular in their outlook, are not as far from the basic Christian ideals of their parents as one might conclude.

In actual fact, the Negro lawyer in New Orleans "champions" about the same ideals as does the Negro minister and there is little or no noticeable conflict between the social values of the Negro lawyer and those of orthodox christianity. This is in contrast to leading Negro politicians in New Orleans who insist that their leadership role is amoral and only business principles should be applied.²

C. RELIGIOUS AFFILIATION

Although, the lawyers come from various religious segments in New Orleans insofar as their racial philosophies are concerned, there is no definite reflection of specific religious dogmas. In naming persons they regarded as significant white and Negro leaders in New Orleans, the tendency was to name persons of both races with whom they had come in contact in community affairs and whom they respected as "champions" of the "Negro cause," regardless of their religious affiliations.

This fact suggests that one of the important functions of the Negro lawyer in New Orleans is to add the element of objectivity in his appraisal of individuals and group activities. Perhaps, the best example of the objectivity of the Negro lawyer is the fact that some of the most devout

²Daniel C. Thompson, "Patterns of Race Relations Leaders," Unpublished paper, 1959.

Catholic lawyers are actively engaged in the counsel and guidance of distinctly Protestant "uplift" organizations. Also, it is important to note that in the selection of organizations in which they might work and through which they might implement their racial philosophies, Protestant lawyers seemed to have selected groups without respect to their religious compositions.

Religion is such a vital part of the life of New Orleans, it has tended to deepen the separation of Negroes in all areas of life. One reason given by some leaders for the various political factions in New Orleans, for the "in-group" and "out-group" cleavages, is the fact that the New Orleans Negro community is believed to be hopelessly divided between Catholics and Protestants who up until now have had few reasons and opportunities to transcend these boundaries in co-operative effort. There is some hope on the part of Negro leaders, therefore, that the objectivity, fair-mindedness, and general community interest of the Negro lawyer might transcend these segmental barriers and unite the Negro community in their common effort to raise the socio-economic level of the Negro community.

D. EDUCATION

All of the Negro lawyers in New Orleans attended college at least two years, and all but three or four graduated

from college before going on to law school.³ Two or three of them have even had graduate training and one actually received a graduate degree in sociology. Consequently, the Negro lawyers may be classified among the less than five per cent of the Negro population in New Orleans who have received a college education. Half of them graduated from college with honors.

E. SOCIAL STATUS OF THE RESPONDENTS

In a study by North and Hatt, occupations in the United States were rated on a prestige continuum.⁴ According to their study, lawyers rated eighteenth among ninety major occupations. This was below top government officials, college teachers, executives, and ministers. It is well known that certain occupations will have different social ratings at different times in their development. Thus, it would be difficult to say exactly what the social rating of law would be today as compared with 1947. During that time a great deal more emphasis has been given to the status of natural scientists and technicians. It would be even more difficult to give an accurate occupational rating to Negro

³Among the Negro lawyers in New Orleans are graduates from the following law schools: Loyola University 7, Southern University 6, Howard University 3, Lincoln University 2, and Louisiana State University 2.

⁴C. C. North and Paul Hatt, "Jobs and Occupations: A Popular Evaluation," Opinion News, IX (1947), 3-13.

lawyers, either in the community at large or in the Negro community. As was pointed out previously, the Negro community has not yet had sufficient time to evaluate properly and "rate" the Negro lawyer on a social prestige scale.

In New Orleans, for example, the Negro lawyer, as a lawyer, is not accorded upper class status in the Negro community, yet he is respected as a lawyer and provided with many opportunities to participate in organizations through which upper class Negroes express themselves. One thing of great importance to be noted is a fact mentioned before, that the vast majority of the Negro lawyers are recruited from the lower middle class and because they are still young, they have not had time as yet to elevate themselves to upper-class status. It is now evident, nevertheless, that even the young lawyers are beginning to participate in community affairs, and it will only be a matter of time before the Negro lawyer may rank high in the New Orleans Negro community, perhaps even higher than his white counterpart. This is true for two reasons:

1. He is needed so badly in the Negro's struggle for "equal citizenship," and,
2. He has much less status competition in the Negro community than the white lawyer has in the white community.

Several Negro lawyers who have had an opportunity to build up substantial practices and now receive what might be

regarded as an upper middle class income, feel very keen disappointment that they are not yet accepted by certain Negroes who are generally regarded as upper class. Therefore, it is difficult at this time to give a social class rating to the Negro legal profession in New Orleans, because the community itself has not had sufficient time to properly define this relatively new professional group in terms of its own structure and the goals for which the Negro seeks for himself. And thus, from a purely functional point of view, the Negro lawyer holds an undefined social status in New Orleans Negro society. About the only thing that can be clearly stated is that they are regarded as at least lower middle class and are upwardly mobile. It could be that when the Negro community becomes thoroughly organized to fight for the political and economic rights of Negroes, the lawyer may become thereby increasingly valuable and may be socially rated even higher than he would be today.

The two great advantages which the Negro lawyer has in his struggle for social respect and acceptability are:

1. He is regarded as an educated person and education is a highly valued commodity in the Negro community, and,
2. He is an independent professional. In a community where the vast majority of the people are common laborers, he is likely to enjoy high prestige and respect. This

possibility is great because other than the Negro minister, the lawyers have more opportunities to be spokesmen for, and leaders of, the Negro masses than any other professional group.

F. INCOME

Although practically all of the Negro lawyers are young from the point of view of experience, nevertheless, it seems that most of them are making a substantial living from their practice of law. Some of the lawyers receive incomes up to \$20,000 a year, with most of them having an income between \$5,000 and \$8,000. Despite the fact that some of them are just beginning their practice, the median income of the Negro lawyers in New Orleans is between \$5,000 and \$6,000 per year. Thus, from the point of view of income along, the Negro lawyer in New Orleans may be described as stable middle class.

G. REASONS FOR CHOOSING LAW AS A PROFESSION

When asked why they chose law as a profession rather than some other occupation, three-fourths of the lawyers acknowledged that they felt that in this way they could best serve the interests of the Negro people. This fact seems to validate Myrdal's theory that the Negro professional is overwhelmingly concerned with the Negro problem. And, unlike

other professionals who are more or less free to choose the path to be taken in their professional development, the Negro professional is "willy-nilly" imprisoned in the Negro problem. Despite the fact that he might have aptitude for wider interest, he is compelled by "his people" and his conscience to concern himself primarily with Negro "uplift." It seems that no matter how professional a Negro organization may be in its functional aspects, it is in essence an "uplift" organization, whose main purpose is to advance the "Negro cause." That is one of their prime goals, to improve the status of Negroes in some way. In other words, they reflect racial consciousness and the Negro's desire for equal citizenship.

About one-fourth of the lawyers said that they chose the legal profession because they regarded the role of the lawyer as intriguing and challenging. In the words of one, it is a "profession which offers a testing ground for mental development". As a rule, this reason was emphasized by the younger lawyers who expressed ambitions to attain maximum success in the legal profession. Among these lawyers was the only Negro woman lawyer in New Orleans, who despite the fact that she recognizes the double handicap of being a woman and a Negro, modestly pointed out that she had been complimented by a judge in whose court she practiced, although she was the only woman ever to try a case in that

particular court.

Three of the lawyers suggested that their basic motivation for attending law school was not primarily to qualify as lawyers, but rather to be better able to carry on their family insurance businesses. It was later confirmed in interviews with other colleagues that this was to some extent a reflection of at least two inter-related desires on the part of their parents. One, they felt that their sons would be better able to carry on and even improve the family business if they had a legal education. And, second, middle class Negro families like white middle class families, have status anxiety.⁵ Thus, the parents of these three lawyers no doubt wanted them to qualify as upper class professionals in the event that they did not "fit" into the family business. In all three instances, however, these lawyers are still primarily engaged in work relating to the insurance companies to which their fathers were attached.

It is interesting to note that only four of the lawyers acknowledged that they went into law because it is a potentially lucrative field, and they felt that they could perhaps earn more money in law than in any other estimable profession available to them. No doubt some of the others selected the legal profession for this same reason, but chose

⁵Arnold Green, "The Middle Class Male Child and Neurosis," American Sociological Review, Volume 11, 1946.

to give more altruistic reasons, perhaps because they still feel that one of their main reasons for claiming status and respect in the Negro community is because of their role as champions of the "Negro cause." However, only one of the lawyers acknowledged that to him the legal profession was a line of work in which he chose to enhance his social status.

After talking with all of the lawyers about their reasons for choosing the legal profession, a point mentioned by one one of them, yet suggested in the contexts of all of the interviews, is this: The Negro college man is frustrated very often because so few occupations are open to him. Employment for the Negro college man in the past, and to some extent even now, is restricted to a very narrow phase of the occupational continuum. As a rule, most of them go into teaching or the ministry or accept some insecure job such as may be provided in Negro businesses or white enterprises catering to Negro clients. A few, very few, who have sufficient financial backing go on to medical school.

Therefore, just after World War II when the state of Louisiana opened a law school for Negroes in Southern University, in order that Negroes might not be forced to attend Louisiana State University Law School, several Negro college men, for the first time (evidently) began considering law as a possible career. Some who chose a legal career

felt that they might have gone into some other profession which is traditionally open to Negroes, such as teaching, medicine or minor positions in business or industry.

CHAPTER III

OCCUPATIONAL ROLES

All of the lawyers in the state of Louisiana are qualified to practice in the Supreme Court of Louisiana, and all other subordinate courts of the state--(municipal, traffic, civil district, and so forth) along with the Federal District Courts.

In this instance the Negro attorney is not an exception to the general rule. There are a number of "special" courts in which five of the Negro lawyers are qualified to practice.¹

One of the Negro lawyers stated that in general, the qualifications necessary to practice in these "special" courts are two:

1. To be a member of the local bar (in this instance the Louisiana Bar Association) and,
2. To have been engaged in active practice for a certain number of years.

He said also that the lawyers do not take any kind of formal examination. They are only required to meet certain general

¹The "special" courts are the tax court, the immigration court, courts of appeal, courts of claims, courts of customs appeal, and the United States Supreme Court.

criteria, such as has been indicated above.

A. METHODS OF SECURING CLIENTS

Since the legal profession may be classified as an independent profession, the central problem which the young lawyer faces is that of securing a sufficient clientele in order that he might earn enough money to provide for himself. This problem is particularly acute among the younger lawyers, just as might be expected of any young professional. For instance, after securing adequate college preparation, practically all of the married or were already married soon after the law degree was conferred. This means that they had growing families to care for as well as providing for their own personal needs on the level of respectability which they must maintain. All of the lawyers recognize the economic problem as a basic one. The problem of income is always discussed in their formal meetings. The lawyers are constantly reminded that this problem must be handled delicately, because it is considered unethical to advertise through any form of mass media. Consequently, the lawyers use various means of securing a clientele and there was no particular method relied upon by all of them. Among the methods used are the following:

1. Very often, the first method employed is to attract the attention of potential clients upon graduation from law school, by taking advantage of whatever publicity

that can be derived from newspapers that may give some space to this still rare occurrence among Negroes.

2. All of them have business cards printed that they pass out freely. Those in a position to do so develop important clients such as business executives and professional persons from among their friends. These "friends" often become important clients or refer others who might need legal counsel or defense to them. In this way one or two of the upper class lawyers have built up substantial practices.

3. Another method used by the beginning lawyer is that of attaching himself to an already established Negro attorney. This is a kind of apprenticeship in which the beginning lawyer has an opportunity to take advantage of what experiences and contacts that the established lawyer may be able to provide. It is the complaint on the part of some Negro lawyers that it is not easy to get a law firm established, because the Negro community in which they must work has not yet learned the purpose of a firm, or to appreciate such an institution's role in the community.

4. One lawyer emphasized the importance of performing small services in order to gain the confidence and respect of potential clients. For example, he said that it is his usual practice to render such services as a notary or income tax consultant to students and other "deserving" young people freely with the belief that in this way they may bring

to him whatever legal problems that they may have in the future. As a matter of fact, this lawyer feels that this is one of the best ways for a young lawyer to cultivate a significant clientele and he was critical of some of his colleagues who accepted fees for such small services.

Some of them take advantage of the opening of a new office, or remodeling of an old office, to send out invitations to potential clients to come to an open-house type of reception.

Most of them attempt to gain clients by joining a large number of community organizations that might be able to use their special legal knowledge. In this way they become active and get the opportunity to advertise themselves and the kind of services they are prepared to give. One of the more successful of the younger lawyers feels that this is the very best way the beginning lawyer has of introducing himself to the community, while at the same time rendering a real service. He said that most of the Negro organizations in New Orleans are "flying blind." That is, they are trying to operate and carry on a program of a community nature without knowing the legal basis upon which their actions rest. They attempt to carry on some program of "uplift" which when analyzed would be legally impossible.

It should be considered that often the Negro attorneys join organizations, but many of them are "nominal participants". Participation on this level does not necessarily

mean membership in these organizations, although the majority may be classified as "joiners." This participation includes making themselves known by their attendance at large and small public affairs, fund-raising and membership drives, making speeches when invited to do so, and giving advice on an informal basis to friends and acquaintances. This is an essential means of making themselves available to the community in general, and to potential clients in particular.

7. Perhaps, the most spectacular method of attempting to gain a clientele is the one used by New Orleans oldest practicing Negro attorney. He often invited potential Negro clients to visit the courts in which he was the legal defender. In this way he hoped to convince them, not only that he was interested in them and their welfare, but also that he, a Negro, could successfully defend them before all-white courts and juries.

8. Some of the more ambitious lawyers who get pleasure out of keen competition look for opportunities to take "impossible" cases. Cases of this nature are taken because it is a known fact that if the outcome is favorable, the Negro attorney is certain to attract wide and favorable publicity. Of the "impossible" cases reportedly won by the Negro lawyers in the sample, the most clean-cut was a case in which a Negro attorney was the counsel for the defense. This case involved several Negro youth who confessed to murdering an ex-policeman. Their only reason was that they

wanted to do something for "kicks." There were at least two reasons why the public "condemned" these young men before the trial. One was that the murder was a very brutal and senseless one; there was nothing obvious to be gained except the thrill of causing pain to another. On the basis of this, even the Negro public did not feel that the young men were worthy of sympathy and deep concern. A second reason why this case was regarded as "impossible" was because the murdered man was not only an ex-policeman, but he was also white. It is a truism in the Negro community that Negroes may be able to get away with murder if it involves Negroes only, but when it involves white people capital punishment is certain to be "swift and sure." When there is any variation of this type of "justice" it becomes "celebrated news" in the Negro community. The lawyer who wins such a case is almost immediately regarded by potential Negro clients (the "criminal class" among Negroes) as somewhat of a "legal magician." It is in this way that some of the most outstanding white lawyers have developed wide and lucrative practices in the Negro community. Many Negro criminals feel that all they need to do to escape punishment for any crime is to obtain the services of a lawyer with such a reputation. Therefore, the Negro lawyers' "impossible" cases can do much to enhance their reputation.

One Negro attorney feels that this was perhaps his

greatest challenge as a legal defender and accepted the case without fees. It was through his able defense that the Negro youth were spared execution, and received instead life imprisonment, which makes them eligible for parole after a number of years. In the words of the lawyer involved, "I snatched them out of the electric chair."

Here again, is an example of how a lawyer can "profit" so to speak, by the handling of an impossible case. It was after the successful handling of the case mentioned above to which great publicity was given, particularly among the Negro masses, that he again ran for public office. He received such a large number of votes that though losing the primary election, it was felt that his support would be needed in the general election. Because of his support of the present district attorney, he was appointed the first Negro assistant district attorney in New Orleans. Next to A. P. Tureaud, he is regarded by his colleagues as the most successful Negro lawyer in New Orleans.

It is not meant here that the winning of this one case alone was responsible for the political success and professional prestige of this Negro attorney. What is meant is simply this: This lawyer realized the importance of the publicity he would receive in the winning of an "impossible" case. This is indicative of his genius, not only in selecting clients, but for enhancing his own reputation by the method of rendering adequate service despite almost im-

possible odds.

The problems the Negro lawyer has in attracting a substantial clientele are in some ways a more difficult problem than those faced by the young white lawyer. For example, one of the most stubborn problems the Negro lawyer faces in New Orleans stems from the fact that traditionally Negroes have relied upon white attorneys when they needed legal advice. Because the welfare of the client is so intricately interwoven with the competence and influence of the attorney, there has been considerable reluctance on the part of Negro people to consult Negro lawyers or retain them as legal defenders. All of the lawyers agree that one of the most disheartening problems they face is that of convincing the Negro public that they are, in fact, competent lawyers respected by the courts.

9. Very often in conjunction with the methods indicated above the Negro attorney has had to rely upon publicity as a means of securing a substantial clientele. Namely, all the Negro lawyers seek out opportunities to represent clients where the case involved is certain to attract wide publicity. Sometimes these involve cases where public opinion is sharply divided and sometimes they involve cases that are considered "impossible," such as the one discussed above.

Several of the lawyers have handled cases in court

in which they represented prominent Negroes. Because these clients were well-known in the Negro community, the local papers in giving details of the trial procedure and outcome would naturally mention the name of the legal defender or legal advisor. This was a type of positive publicity which all of the lawyers felt to be most important in the building of a significant clientele. Unfortunately, however, some of the most prominent persons these lawyers have represented did not want publicity and the cases were often settled without the publicity attendant upon cases of people with lower social status.

The second type of case in which the Negro lawyers do get wide publicity is the type in which public opinion is sharply split on what constitutes justice. This is best illustrated by certain civil rights cases which Negro lawyers have handled. Practically all of the lawyers interviewed acknowledged that they would consider it a privilege to be the chief defender in such a case, and many of them have volunteered their assistance to other lawyers who handled such cases. It is likely that one motive for desiring to handle such cases is to render service to the Negro in his struggle for civil rights, however, the lawyers themselves did not deny the fact that such cases would provide them with more general publicity than practically any other case handled. This is true because Negroes from all socio-economic levels follow the proceedings of such cases and look

forward to the final court decision. The fact is, when civil rights cases are tried by Negro attorneys, these courts are generally crowded with Negro spectators who are very often heard making complimentary remarks about the Negro lawyers involved and who are obviously proud of the respect which the Negro lawyer receives from the court. The Negro lawyer who is fortunate enough to be retained as the counsel in a civil rights suit accomplishes two important and inter-related goals. First, he gets an unusual opportunity to demonstrate his ability and influence to a potential clientele, and second, he becomes a symbol of the Negro's struggle for dignity and respectability.

The lawyer who has had most experience in handling the civil rights cases in this area is A. P. Tureaud. As a matter of record, he has been chief counsel for practically all of the civil rights cases tried in New Orleans since World War II. Small wonder then that he is regarded, not only by the Negro community and Negro leaders as one of the most outstanding and successful attorneys in the state, but he is also regarded as such by Negro colleagues who almost unanimously nominated him as the most successful Negro lawyer in New Orleans.

B. RACIAL COMPOSITION OF CLIENTS

Unlike the white attorney, who has traditionally built up his clientele according to his professional pro-

clivities rather than his race, it may be said that the Negro attorney is by and large "imprisoned" in the Negro community. Three of the Negro lawyers acknowledged that they had never had any white clients; most of the others estimated that less than five per cent of their clients were white. Only two of the lawyers could boast of as much as ten or fifteen per cent. One of these lawyers has a practice in a small urban community in metropolitan New Orleans, the other is an assistant district attorney who has an important official position in the courts and wide contacts with potential white clients.

Upon close analysis, the nature of the Negro lawyers' white clientele presents an interesting picture. In the first place, most of the cases they handle are civil cases that are generally settled outside the court. Secondly, they are the lawyers whose offices are so located that potential white clients find it convenient to seek them out for legal counsel on special matters when it is doubtful whether or not a legal defender will be necessary. One lawyer pointed out that when white clients are advised to retain a legal defender they usually then go to a white lawyer.

A third instance which provides opportunities for the Negro lawyer to serve white clients is in connection with notarized documents and registrations that require only routine professional help. In such instances the client

usually consults the first lawyer whose shingle appears visible.

In a few instances, the Negro lawyer is sought out by clients of other racial or ethnic minorities. Evidently, a few such individuals feel some minority group affinity with these lawyers and trust them to represent their interest in a way that might not be expected of the white lawyer who represents the dominant majority race.

One of the lawyers, who is a nationally known specialist in constitutional law involving civil rights, is occasionally sought out by white clients who have reasons to believe that he would at least represent them as well, or better, than any other lawyer they might be able to retain.

It may be said that the white lawyer has little to fear from the Negro lawyer insofar as competition for white clients is concerned. However, the Negro lawyer, like all other Negro business and professional men, is made to feel very keenly competition from his white colleagues. For example, several white lawyers in New Orleans are famous as legal defenders and legal counsels for Negro clients. It is surprising to find that in spite of the fact that Negro business and professional people are intensely race conscious, they often choose white lawyers to represent them personally and retain them as counselors for the businesses they head. When asked why they prefer white lawyers to

Negro lawyers they generally agreed that the white lawyer has, as a rule, more experience, greater influence, and can be relied upon to handle cases in and out of court with a great deal more facility than can be expected of the less experienced, racially segregated Negro lawyer.

Not only do upper class Negroes seem to prefer the services of white lawyers, but the masses of Negroes too seem most prone to seek the services of white lawyers when they are involved in criminal affairs of an extremely serious nature. The most famous criminal lawyers, insofar as Negro clients are concerned, are white lawyers. The names of a few of these white lawyers are so well known because of celebrated Negro cases that they have become by-words throughout the Negro society, as well as among the "criminal element." One of these famous lawyers acknowledged to the interviewer that approximately 40 per cent of his clientele is Negro.

Negro lawyers express keen disappointment and often frustration about the unfair competition they are destined to carry on with outstanding white lawyers and old and reliable white law firms. Most of them complained that no matter what they do in the courts or in the community, the masses of Negroes still lack confidence in their professional abilities. One of them said that Negroes are still victims of a "slave psychology" which defines "white as right." Some attributed the lack of success in securing more

prominent clients (white and Negro) to the fact, that when clients have large fees that they can afford to pay for legal services, they usually preferred to retain lawyers who have important political and legal contacts and who are likely to be in a position to get things done for them which would not be done otherwise. Consequently, the Negro lawyer, who seldom has powerful contacts is, therefore, seldom retained by wealthy white and Negro clients.

Some of the lawyers were less bitter and more analytical in explaining why more Negroes still choose white lawyers and law firms in preference to Negro lawyers and law firms. They reasoned that the Negro lawyer in New Orleans is indeed still quite young and inexperienced, therefore, has not had time to "prove" himself. Because of this, some agreed that there are times when it might be wise for Negro clients to seek the services of competent white lawyers with long experience. They felt, however, that Negro clients often go to white lawyers when a Negro lawyer's services might be just as effective.

One big problem facing the Negro lawyer is how to convince the masses of Negroes who have always been aware that the judicial system is dominated by whites, that he is indeed respected by the courts, and has an opportunity to win his cases on legal merit regardless of the racial prejudice of individuals composing the jury and the officials of the courts.

This issue was revived in a famous case involving an incident between several white adults who attempted to discourage some Negro youths from attending an "all white" church. The young Negro lawyer retained by these youth insisted that if the case was taken to court, the youth would win or lose the case on legal merit. Nevertheless, he had some difficulty in preparing his case because the Negro families involved were advised by some prominent white churchmen that the case would go against the Negro youth regardless of the legal merit because the jury and officials would be prejudiced against Negroes fighting for integration.

So keenly has the Negro attorney felt the lack of confidence in him manifested by the Negro masses in regard to his handling of all-white juries and all-white court officials, that Attorney A. P. Tureaud, a recognized spokesman for the Negro lawyers in New Orleans prepared a paper, which was widely circulated in the Negro community, in which this particular issue was analyzed and discussed at length.²

According to him:

Negro lawyers enjoy the respect of the members of the Bar and the Bench in all parts of this State. The judges and attaches of the courts are courteous, kind and considerate. The writer can truthfully say that he has never experienced any prejudice exhibited towards him or his clients in any case he has ever tried and the judges of all of the courts of Louisiana have been very helpful in those instances

²See Appendix A, A. P. Tureaud, "The Negro at the Louisiana Bar."

where the inexperienced lawyer required assistance. This fact has been demonstrated from time to time. An example of this fine spirit is manifested in the distribution of Negro lawyers throughout the State in such cities as New Orleans, Shreveport, Baton Rouge, Lake Charles, Opelousas, Monroe, and Franklinton.

Several years ago, the late Charles H. Houston made a study of the Negro lawyer in the South for the Carnegie Foundation. On visiting New Orleans, he stated that he found opportunities were greater here than elsewhere . . .

Although the statement by Mr. Tureaud explicitly points out that Negro attorneys are not in any way disadvantaged before the courts, this attitude is not unanimously shared by his Negro colleagues. Almost half of them have experienced situations in which white witnesses, court officials, and the judge manifested some degree of prejudice or even outright resentment. Yet it is interesting to note that none of the Negro lawyers would acknowledge that a Negro client would be disadvantaged in any way by having a Negro lawyer represent him. Most of them maintained that the Negro lawyer is as capable as any other lawyer of the same age and experience, and that the judges (even when they are prejudiced against Negroes) are fair in the handling of their courts no matter who the lawyer might be.

As a matter of fact, half of them felt that a Negro client would be better off in court if he is represented by a Negro lawyer for at least two reasons. First, the Negro lawyer is likely to have a deeper understanding and a more

genuine sympathy for the Negro client. Second, the courts are likely to give at least equal, or even greater, weight to the Negro lawyer's defense of the Negro clients. One of the lawyers felt that certain judges are anxious to "prove", it seems, that they are not unfair where Negro lawyers are involved. The other half felt that the Negro clients would be neither particularly advantaged nor disadvantaged by having a Negro lawyer to defend them in court.

When this point was checked with certain prominent white lawyers, court officials and deans of law schools, the nature of the Negro lawyers' relationships with the courts, was specifically spelled out. Some of the disadvantages they recognized are the following:

1. Almost always the white opposing lawyer, or prosecutor, would "use up" his allotted challenges to eliminate all Negroes from juries before which the Negro lawyer would argue a case. Evidently, the white opposing lawyer or district attorney assumes that Negro jurors or known white liberals will be prejudiced in favor the Negro lawyer's argument. Thus, the Negro lawyer is thrown into a position in which he must often argue his cases before prejudiced white jurors.

2. A judge pointed out that the Negro lawyer is usually handicapped in his role as "investigator" where white witnesses or plaintiffs are concerned. Some of the more prejudiced among them are reluctant to give audience

to the Negro lawyer if it involves coming to their offices or allowing him to visit their homes.

3. All of the above named interviewees generally agreed that certain types of cases, such as those involving white clients could hardly be handled by a Negro lawyer as well as by a white lawyer with equal competence. This is so primarily because the Negro lawyer is subject to segregation laws in Louisiana which prevent him from freely entering certain places and participating in activities where pertinent, valuable evidence might be secured.

It is perhaps because of these restrictions, as well as traditions, that Negro lawyers confine their practice almost exclusively to Negro clients where other Negroes are involved. The utopian equality, optimistically expressed by a few of the Negro lawyers, is still a goal to be attained, though steps in that direction are positive and significant.

C. LEGAL COLLEAGUE

All but one of the stable Negro lawyers belong to the American Bar Association. The few who do not are mainly recent law school graduates, or some who have not yet "gotten around to joining."

When asked what advantages they received as members of the American Bar Association, most of them pointed out

the educational value received when they attend occasional meetings of the association, sit in on stimulating lectures, exchange ideas and associate with fellow members. One feels that the primary advantage to be received as a member of the American Bar Association is that of prestige. By this, he evidently meant that some clients would be more likely to engage a lawyer if they knew that he is recognized as a full member of the most prestigious bar association--the American Bar Association. All of them agreed that the most important reason, from a professional point of view, for taking out membership in the American Bar Association is that this membership entitles them to receive the American Bar Journal, in which there are always articles or papers written by experienced barristers.

Louisiana Bar Association

All of the Negro lawyers belong to the Louisiana Bar Association because membership is mandatory. It is interesting to note that a large number of them gave this as their only reason for maintaining membership in that association. A few, however, did mention the fact that they often derive valuable information from reading the literature they receive as members of the Louisiana Bar Association. Some feel that this literature is advantageous because it tends to keep the Negro lawyer informed about transactions of the association, which they could hardly acquire otherwise since they are not allowed to participate in the local meetings.

Even the business sessions, are most often held in places where Negro members are not allowed to enter. Two of the lawyers feel that perhaps the most valuable information to be obtained from the official literature of the Louisiana Bar Association is the definition of professional ethics necessary to maintain stability in a field which changes from time to time and which Negro lawyers would need in order to conduct themselves properly before the courts.

Although the Louisiana State Bar Association Constitution proclaims that "this association shall be self-governing and its membership shall comprise all persons, who are now, or may hereafter be, licensed to practice law in the state," the Negro attorney is, in fact, restricted insofar as actual participation is concerned. This issue will be discussed at some length under another heading.

The lawyers all agree that contacts with their white colleagues, many of whom have greater experience and wider contacts, would be desirable. Yet they are restricted in these contacts because they are not allowed to attend meetings of the Louisiana Bar Association. Whereas they are theoretically permitted to attend all business meetings, in actual fact much of the business activities of these meetings are carried on at "social gatherings" in which Negro members are not invited to participate. As suggested above, even some of the business meetings are held in hotels which do not offer accommodations to Negroes. For example,

one of the Negro members of the Louisiana Bar Association was sent an invitation to attend a meeting in one of the downtown hotels. When he presented himself at this hotel he was refused admittance, and was advised that it was against the policy of the hotel to admit Negroes to meetings held on its premises.

An official letter was sent to the Georgia Bar Association from the Louisiana Bar Association in answer to an inquiry about "The Racial Problem in Incorporated Bar Associations."³ In answer to this inquiry, the immediate past President of the Louisiana State Bar Association made the following summary statement regarding the professional relationships of Negro lawyers so far as this association is concerned.

We have had no difficulty whatever with reference to the racial question. The Negro lawyers are, of course, members of the Louisiana State Bar Association and receive all the literature and mailings which go out to the members. At the annual meetings of the Association the colored members are free to attend the business sessions. We have had no problems presented in this regard.

One indication of the lack of integration, even on a psychological level, suffered by the Negro lawyers is the fact that almost none of them anticipated holding office in the Louisiana Bar Association. To most of them such an

³See Appendix B, "Racial Problems in Incorporated Bar Associations," 1959.

eventuality is an impossibility because, as a prominent member of the Martinet Society pointed out, "there are 1,300 of them and only twenty of us in New Orleans and forty in the state." This situation reveals clearly that up to now the Negro lawyer regards himself as an "outsider" or "inter-loper," insofar as the legal profession in Louisiana is concerned. And so, according to our theoretical formulation his role as officer in the Louisiana Bar Association may be regarded as "eternally latent" because he is not admitted to full membership from which officers are recruited.

It should be pointed out here that according to the experiences related by the Negro lawyers in personal interviews, there is little or no indication that they conceive of themselves as an integral part of the legal profession in New Orleans, despite the fact that they insist that they have equal status in the courts. There is some indication, however, that there is among the white lawyers in New Orleans a more or less liberal element. As a rule, the lawyers composing this liberal element are those who depend heavily upon Negro clients for their practice, and some who identify with the Negro for personal reasons of their own. It was this liberal element which A. P. Tureaud believes supported him when he ran for membership on the Board of Governors of the Louisiana Bar Association. He does not know how many votes he received because only the winners

are posted. Although he did not receive enough to win, he was certain that he received significant support from liberal white lawyers throughout the state. It might be that some of the support he received was due to the fact that the nomination and voting for office in the Louisiana Bar Association was done by mail. Hence, it is conceivable that some of the lawyers voting for him were not aware that he is a Negro, but voted for him on the basis of his professional record.

New Orleans Bar Association

The constitution of the New Orleans Bar Association proposes to accept as members into the organization those

Members of the legal profession in good standing, residing or maintaining a law office in the city of New Orleans, and who are actively practicing their profession shall be eligible to Active Membership, and may be elected to such membership on recommendation of the Committee on membership, provided that upon adoption of this amendment all Associate members of the Association shall become active members.

No Negro lawyers are members of this very prestigious and powerful association. When asked to comment upon the disadvantages experienced by them because of lack of membership, all but three of the lawyers feel that their professional development is seriously hindered because they are excluded from active membership. Some of them directed scathing criticism at this Association for its "lily-white" racial policies. Some objected to this form of segregation

and said that it hindered co-operation on the part of Negro and white lawyers. Others complained that lack of membership prevented lawyers from attending valuable meetings sponsored by the association. All agreed that certain topics discussed at the meetings of the New Orleans Bar Association were valuable, and even necessary, to the lawyer because he got information about local courts and problems which he could not acquire in any other fashion. Lack of such valuable knowledge not only limits him in his professional growth, but also in the contribution he is able to make to the well-being of the community as a whole.

There is a great deal of evidence which reveals the attitude of racial discrimination held by the Louisiana Bar Association and the New Orleans Bar Association. For instance, on April 20, 1958 a prominent member of the Louisiana Bar Association and Chief Justice of the Louisiana Supreme Court, John B. Fournet, speaking at a dinner meeting of the Louisiana Bar Association, urged this association to do everything in its power to mold public opinion condemning the United States Supreme Court for its liberal attitude toward racial desegregation.

Another indication of the negative racial attitudes held by members of the New Orleans Bar Association was indicated in May, 1959, when Law Day was declared by President Eisenhower as a nation wide observance. On this day, the

New Orleans Bar Association, in conjunction with the American Bar Association, arranged for prominent judges and attorneys to speak in more than 100 public and private Negro and white schools. Accordingly, forty-five white attorneys addressed pupils in Negro schools, while none of the Negro lawyers were invited to participate.

National Bar Association

Because Negro lawyers have been limited in their participation in the American Bar Association, despite its democratic objectives, they felt it necessary to organize themselves on a national level. This was done in order that they might work together in the solution of some of the national problems characteristic of their profession, and of the Negro people they are primarily dedicated to serve. At first, this Negro National Bar Association was regarded as a more or less necessary "evil," because Negroes were not given ample opportunity to express themselves and develop within the American Bar Association.

One of the most significant indications that Negro lawyers supported the segregated National Bar as a temporary step toward the full integration of Negroes into the American Bar Association is the fact that as they are increasingly accepted into full participation in the American Bar Association, they tend to lose interest and cease thereby to participate in this segregated society. Thus, for

example, in New Orleans, only four of the Negro lawyers indicated any interest at all in the segregated national society, and even they may be classified as passive rather than active members. However, even their passive membership indicates that there are still some lawyers in the South generally, and in New Orleans specifically, who feel that the time is not yet right for the abandonment of an organization in which Negro lawyers can participate freely in the discussion of racial segregation and map out peculiar strategy to combat the legal barriers to equal civic and professional participation. Therefore, it is interesting to observe that the only Negro lawyers in New Orleans who are dues-paying members of the National Bar Association are precisely those lawyers who indicated that one of their main reasons for entering the legal profession was to put themselves in a position where they could best serve the Negro people. They are also the ones who are avowedly primarily interested in constitutional law, particularly in the service they can be to the Negro people in their struggle for "first class citizenship." Some of the members acknowledge that they regard the National Bar Association as an important instrument in the Negro's struggle for "equal civil rights."

At its annual meeting in 1947, its President, Thurman L. Dodson, reiterated a fundamental purpose and goal

of the National Bar Association. He said that the National Bar Association is:

A living symbol of the Negro's eternal intention to wage unceasingly the fight for complete and absolute equality under the law . . . Let us then mobilize ourselves and march to Atlanta and make an impression upon the people of the South and the Nation at large that will have an impact upon the whole civil rights struggle, such as has never before happened in our time . . . I wish to urge all members again, as we go through the political campaign which is impending to keep the measures and issues which are vital to the minorities constantly before the electorate and the candidates ETERNAL VIGILANCE IS STILL THE PRICE OF LIBERTY.⁴

On the occasion of its 25th anniversary in 1950, the National Bar Association met in Nashville, Tennessee. Its secretary, Scovel Richardson, prepared a brief history of that organization which sets forth clearly its main purpose throughout this twenty-five year history. According to him, in August, 1925, Negro lawyers throughout the United States met in Des Moines, Iowa. The stated purpose of their meeting was to organize a Negro Bar Association, because at that time Negro lawyers were severely restricted in their participation in the powerful American Bar Association. Negro lawyers felt keenly that in order for them to make their maximum contribution to the legal profession generally, and to their clients in particular, it would be necessary for them to bind together in a temporary national organization, which later came to be known as the National Bar Association.

⁴National Bar Journal, September, 1948.

The fact that these lawyers regarded this organization as temporary and a transitional step to full participation in the American Bar Association is indicated by several official statements made at its annual meetings. Thus, in a report of the Resolutions Committee adopted at its annual meeting in December, 1949, the National Bar Association went on record as continuing to urge its members in their respective states to:

Initiate and support movements, not only for unhampered admission to the American Bar Association, but to remove racial barriers official or unofficial to the admission of qualified lawyers to all State, County, and Municipal Bar Associations.

The statement of purpose was also enunciated by Scovel Richardson, who was secretary of the association in 1950. According to him the purposes of the National Bar Association are:

The advancement of the science of Jurisprudence, improving the administration of justice, promoting the independence of the judiciary, working for a more equitable representation of all racial groups in the judiciary of our Cities, States and Nation, promoting legislation that will improve the economic conditions of all the citizens of the United States, aiding all citizens, regardless of race or creed, in their effort to secure a free and untrammelled use of the franchise guaranteed by the Constitution of the United States, promoting social intercourse among members of the American Bar, upholding the honor of the profession, protecting the civil and political rights of citizens and residents of the several States of the United States, and working for integration of the American Bar.

Further, an excellent summary of the history and

dedication of the National Bar Association, as summarized by Mr. Richardson, was also succinctly expressed by President J. R. Booker. He said that "the National Bar Association is symbolic of the activities that that Association has engaged in in order to abolish the fires of prejudice, hatred and every other form of discriminatory practice."

Moreover, statements made by leaders in the National Bar Association since its 25th anniversary point out that the National Bar Association still regards itself as primarily an organization devoted to the cause of achieving civil rights or "first-class citizenship" for Negro people. This fact was emphasized by President Scovel Richardson's speech at the annual meeting in 1953. He held that:

We must respond to the demands of the times for deep and clear legal thinking on the humanitarian problems of our society that cry out for solutions. The removal of the remaining 'thou shall nots' found in our statutes, customs, and usages which are a restraining wall and barrier to the realization of first-class citizenship for all Americans require the most skillful use of our talents as social engineers. The contribution our Association is able to make in the removal of the 'thou shall nots' will be determined in no small measure by what we do here. It is my fervent prayer that our deliberations will produce a leading light and guiding star to all members of the legal profession who are sensitive to the demands of our times.

At that same meeting another statement made by the President of the segregated Crescent City Bar Association, Israel Augustine, Jr., emphasized the same social engineering function of the National Bar Association.

Your presence here symbolizes an understanding of the task before us, and serves as an enlightenment to all people in this area. It is our belief that your visit with us will spear-head, a new growth of ideas and social action, one in keeping with the advance thinking of our Association. The Convention will assist Louisiana in forging forward with a realization and recognition of the rights, privileges and immunities guaranteed by the Constitution of the United States of America.

Again in 1954, just three months after the historic Supreme Court decision declaring segregation in public education unconstitutional, W. Harold Flowers, president of the National Bar Association reiterated the engineering function of that organization. In the Foreword of its official program, he said to the convention:

We are gathered here in Kansas City from all over our nation, it is hoped that the 29th Annual Convention of the National Bar Association will revamp its program for more effective action in wiping out second-class citizenship in America.

We must gird ourselves for an all out fight to make democracy a way of life for all people everywhere in the United States.

Encouraged by a new declaration of law set forth in a decision of the United States Supreme Court in May 1954, we must move with dispatch and vigor to implement the forces dedicated to human freedom and justice.

While we set ourselves to the task of human rights, we must give serious thought to the task of organization and plan a stronger and better National Bar Association. So, may our efforts in this 29th annual session pave the way for a more mutually helpful organization--serving the needs of a daring and courageous segment of the Bar membership in the United States.

In the organization of all Negro societies, or insti-

tutions, Negro leaders have encountered a painful dilemma. On the one hand, they realize that the organization and development of interracial societies tend to perpetuate segregation. It is generally an accepted fact that white professionals do not join Negro organizations, and also Negro leaders in these organizations must continue to attempt to make them strong and permanent. Consequently, the real success of a segregated Negro organization means at the same time that the separation of the races is becoming a greater and more significant reality.

President Flowers revealed a dilemma characteristic of practically all Negro institutions, that is, a need to participate in institutional structures where their own professional growth and prestige might be assured. And the perennial fear that such organizations might tend to foster segregation and make it more a part of the social expectations than is necessary.

The Martinet Society

It is noteworthy that Negro lawyers in Louisiana chose the name of Louis A. Martinet as the name for their society, because Martinet was the first graduate of distinction from the Straight University Law School, which had both white and Negro students.

Mr. Martinet had met all of the criteria as an outstanding citizen before he entered the practice of law. He

was a graduate in medicine and had engaged in the practice of medicine for some years before he decided to enter and qualify for the legal profession. Not only had he distinguished himself as a physician before entering the legal profession, but he had become deeply concerned about racial discrimination. His concern was reflected in a paper which he edited and published during the reactionary period in the South. At that time all of the southern states were engaged in the passage of "Black codes" designed to legally restrict the political, economic and social participation of Negroes. The name of the paper Martinet published was called the DAILY CRUSADER. The paper had as its primary purpose the fight for equal rights of Negroes. Not only did Louis Martinet publish a paper crusading for Negro rights, but he was the first to attack the Jim Crow Laws in Louisiana and attempted unsuccessfully to get the courts to declare these laws unconstitutional.

Perhaps the most significant thing to be recorded in the life of Louis Martinet is the fact that he was one of the leading lawyers in the historic Plessy vs Ferguson case, in which the United States Supreme Court handed down its far reaching decision, and for several decades defined race relations in the South. This decision led to what is known as THE SEPARATE BUT EQUAL DOCTRINE. In essence the court held, in this case, that separation per se is constitutional, but discrimination is unconstitutional.

In selecting Martinet as the name for their society Negro lawyers in Louisiana indicated that they regarded as one of their professional objectives the necessity for fighting for the civil rights of Negro people, as well as that of legal defender of their clients. Nothing reflects this dual professional role more clearer than the stated aims, objectives, and purposes of the Louis Martinet Legal Society.

- a. To encourage interchange of ideas, promote cordial intercourse among its members and generally to promote the welfare of the legal profession in the State of Louisiana.
- b. To promote legal scholarship, advance the science of jurisprudence, promote the administration of justice, and uphold the order and ethics of the courts and of the profession of law.
- c. To promote and encourage accordance of full dignity and respect by the legal profession and the judiciary to minority group members of the legal profession.
- d. To encourage and promote the full and complete integration of all lawyers irrespective of race, creed, or color in the professional life and activities of the Louisiana Bar.

As these objectives clearly suggest Negro lawyers in Louisiana regarded this segregated institution as first a temporary organization designed primarily to foster the integration of Negro lawyers into the professional life and activities of the Louisiana Bar Association. And, second, to provide a medium through which the Negro lawyers might come together in a formal setting to discuss their common

problems and devise means whereby these problems might be solved.

The fact was brought out by one of the founders of the Martinet Society in New Orleans. He said that:

The founders of the society did not organize to perpetuate segregation. They meant only to form an organization which might be effective in removing the barriers encountered by Negroes in belonging to the Louisiana Bar Association, and that an additional opportunity would be provided in that, the members of the Martinet Society as Negroes would be provided opportunities to discuss peculiar problems affecting the Negro attorney.

One of the objectives of the Martinet Society which is not stated specifically in its by-laws, but is interpreted as such by its members is to protect the professional status of its members. Practically all of the lawyers interviewed made some statement that revealed the fact that they still regard themselves as more or less "outsiders" in the legal profession in Louisiana. This feeling of not belonging seems to create status anxiety on the part of these lawyers. Thus, an officer in the Martinet Society contended that one of the main functions of this society is to protect the rights of Negro lawyers, particularly to protect them from hasty disbarment which he feels is always imminent. He said that the disbarment of Negro lawyers in the state and the threat of this disbarment tend to hamper the Negro lawyer in his role as "investigator" and legal defender.

Some members of the Martinet Society feel that it is

too limited in its participation and contacts with the larger white community to be of any real importance in the integration movement in New Orleans. The lawyers most critical of the inadequacies of the Martinet Society are generally those who have manifested a faith that interracial organization and participation are best suited in the social engineering function repeatedly enunciated by the National Bar Association and the local segregated society. That is, some feel that in order for the Negro lawyer to attain the social engineering goals they are pledged to achieve, they can only accomplish this in co-operation with their white colleagues and not separated from them, such as the Martinet Society inadvertently does.

Formal and Informal Professional Contacts

In addition to holding membership in the strictly legal societies named above, a few of the Negro lawyers in New Orleans hold membership in certain specialized legal societies, such as the New Orleans Notaries Society, the St. Thomas More Catholic Lawyer's Society, Jefferson Parish Bar Association, the Southwest Bar Association and the National Association of Claimants Attorneys. They gave various reasons for joining these societies, such as the professional advantages to be derived from association with other white and Negro lawyers, and the opportunity of getting to know other members of the profession socially. Primarily,

however, all of them expressed the hope that joining these interracial societies might be a step toward attaining total integration into the legal profession in Louisiana.

All of the lawyers interviewed feel that their professional competence could be greatly enhanced through informal contact with white colleagues and court officials. Most of them reported, however, that most of such contacts on their part were infrequent and brief. As a rule, the contacts included only a statement or pointed conversation after the adjournment of a court session, or during a pause on the street. Some did report informal co-operation between Negro and white lawyers at political rallies, public gatherings and occasionally interchange of visits in their homes. Two or three of them reported that they had personal friends among white lawyers, dating back to school days and occasions when they worked together on some community project.

As we discussed in connection with the restrictions Negro lawyers experience as members of the state and city bar associations, the contacts they experience informally with white lawyers are greatly limited. In no instance are they invited to attend parties, banquets, cocktails, teas and so forth, which would provide them opportunities to get to know white lawyers as persons.

All of the Negro lawyers agreed that one of the most

valuable formal contacts between lawyers is denied them in the state, because they are Negroes. They are not permitted to attend meetings of the Louisiana Bar Association, or the New Orleans Bar Association. Therefore, they do not have an opportunity to profit by the formal papers presented on these occasions, because as a rule, such meetings are held in segregated facilities.

Despite segregation practices all of the Negro lawyers had had formal contacts with white colleagues and court officials at one time or another. Some had worked with white lawyers in the preparation of briefs and in actual legal defense. Perhaps the most fruitful formal contacts between the Negro and white lawyers come as a result of their working together on a single case. Occasionally, a white lawyer representing a Negro client will retain a Negro lawyer to assist with the "research" in the case and help him to prepare the case for presentation in court. On the other hand, there are occasions when the Negro lawyer acts as chief counsel, but retains a white lawyer, either to help him prepare the case for court or to use his influence with white plaintiffs, politicians and court officials.

It is possible that a symbiotic relationship is developing in New Orleans between white and Negro lawyers; this tendency is perhaps the most interracial professional contact now emerging. This kind of co-operation between

Negro and white lawyers is, of course, more obviously necessary for the lawyer than it would be for other Negro professional groups, simply because more than in the case of other professionals the competence of the Negro lawyer and his success in the legal profession are determined primarily by the judiciary system, in which white officials hold a virtual monopoly. It is therefore necessary that Negro lawyers "come to grips" with the white "power structure."

For example, only three of the lawyers had ever tried a case before a racially mixed jury, and the total number of such juries was only four or five. This means that Negro lawyers, beginning with the arrest of their clients, throughout the court proceedings and even imprisonment, are forced to deal almost exclusively with white officials. It is essential, then, that if the Negro lawyer expects to succeed he must take advantage of every opportunity to use traditional techniques of race relations, and often to invent new techniques as new situations arise. And, as will be pointed out later, it is the Negro lawyer's realistic approach, in getting things done through the "white power structure", that is the new dimension which they are adding to Negro leadership in New Orleans.

D. LEGAL DEFENDER

At this time the Negro attorney, like the Negro

physician, may still be described as a "general practitioner." All of them, in pointing out the cases they have tried in the last twelve months, indicated that they had a variety of cases involving constitutional law, successions, personal injury, compensations and even murder and rape.

There is little indication that these lawyers are beginning to develop specializations such as one would expect in an established law firm. Even the most outstanding civil rights attorney in Louisiana may also be classified as a "general practitioner."

This is perhaps characteristic of any professional group during the early stages of its evolution. This, therefore, is likely to be only a phase of the professional development of the Negro lawyers in New Orleans, and it is likely to change into another phase of more specialization when the Negro community at large is finally convinced of the Negro lawyers' personal competence.

In spite of certain very real limitations there are several reasons to conclude that the Negro lawyer in New Orleans is doing an excellent job as legal defender. In the first place, all of them are still attempting to "prove" themselves as professionals in order that they might gain respect from their clients. They feel this is necessary in order that they might be able to attract larger and larger numbers of clients to carry on a substantial practice

which would assure them of financial stability. Furthermore, since the "ice," so to speak, is broken--a larger and larger number of young Negroes are entering the legal profession.

Another reason why the Negro lawyer goes about his practice with such dedication, and gives to it unstintingly of his time and thought, is the fact that he must practice before all-white courts. He realizes full well that he must "prove" himself before seasoned, competent, white lawyers and judges who are critical of Negro attorneys because, in many instances they have never had experiences with Negro lawyers before. Psychologically then, the Negro attorney is in the same situation that one or two Negroes might experience in an all-white school or university. They feel the critical observation of both the white and Negro community, and feel called upon to "defend" themselves as well as their clients.

It is likely that the Negro lawyers, as a group, are perhaps more conscientious and dedicated than white lawyers because their motives for entering the legal profession are more altruistic. According to statements made by these lawyers they have a close identification with their clients. As a matter of fact, practically all of them said that there are definite advantages in a Negro client engaging a Negro lawyer.

Again, it is the feeling of some of the attorneys that they actually owe their services to the Negro community and it is their duty to defend Negro clients, even, when there is little in the way of fees involved.

Types of Cases Handled

Although the crime rate in the Negro community in New Orleans is believed to be higher than that for whites and thus would seem to offer a great opportunity for the young Negro lawyer to acquire a lucrative practice, the vast majority of the Negro lawyers expressed a very definite preference for the practice of civil, rather than criminal law. Only three of the twenty Negro lawyers in New Orleans are actually endeavoring to build up a criminal practice. Of course, all of the other lawyers have handled criminal cases at one time or another, either because some particular case was a challenge to them, would possibly afford them wider positive publicity, or because the fees involved were particularly attractive. But on the whole, the cases handled by Negro lawyers involve family matters, damages, successions, compensations, personal injury, property settlements, and occasionally civil rights.

It seems that the most basic question to be answered in that connection is why is it that a larger number of Negro lawyers do not specialize in criminal law, despite the fact that the Negro community "furnishes" the largest proportionate number of criminals, plus the fact that Negro

lawyers professed keen interest in fighting for the rights of the Negro individual? In answering this question the lawyers gave varied reasons. When their several statements regarding the types of cases they prefer are interpreted, at least three general reasons are given for preferring civil cases over criminal cases:

1. One lawyer summarized an attitude held by several of his colleagues, when he said "civil law is much cleaner than criminal law." This statement reflects the middle-class values and standards cherished by a large number of Negro professionals. There seems to be a distinct reluctance on the part of professional Negroes to come in close contact with the criminal element. It is not at all unusual to hear middle class Negroes, particularly the leaders among them, bitterly criticizing lower class Negroes, for their crude and often socially reprehensible behavior. There is a tendency on the part of some Negroes to blame this criminal element in the Negro community for hindering Negro progress. One lawyer said that "the criminal element does the 'Negro cause' more harm than the white supremists." Generally, middle class Negroes express horror at the lack of refinement of some lower class Negroes, and feel that were it not for this element their race would have made much more rapid progress. The bitterness expressed stems from the fact that some Negro leaders

often conclude that the entire Negro community is judged by its criminal element rather than by the more moral conservative and educated representatives.

Negro leaders pointed out reasons for their bitter criticism of the Negro criminal element. One of the most important is that at the present time the basic reason given by segregationists for objecting to racial integration is that Negroes are criminal and socially backward. In support of this theory they quote statistics which reveal high rates of illegitimacy and crime. Therefore, to the extent that these negative data presented by the white supremists are actually true, according to the knowledge of Negro leaders, it is to that extent they would feel betrayed by those responsible for this high rate of anti-social and socially reprehensible behavior.

It is interesting indeed to note that this feeling of superiority on the part of the Negro professional is so deeply felt that it tends to restrict the practice of Negro lawyers who have sworn to defend the people representing this element with all of their ability and training. Some even refused to take criminal cases involving Negroes.

When the Negro lawyers were asked pointedly why they did not prefer to handle criminal cases, one of the lawyers gave a reason which is evidently shared by some others of his colleagues. He said that criminal cases disturb him

too much because he identifies too closely with such clients. There is always a constant fear on his part, that he will not be able to represent these clients to the best of his ability, and that his clients would then have to suffer for his inadequacy. This over-identification of the Negro lawyer with the Negro client is very likely a reflection of a general feeling among the Negro upper class that the white community tends to "lump" all Negroes together in the same lower, criminal class. Some indication that this feeling of identity between the Negro lawyer and the Negro client is mutual was indicated in the court of one of the judges where the Negro Assistant District Attorney was the prosecutor. It was obvious that practically all of the litigants expected the Negro prosecutor to defend them before the courts, rather than to prosecute, which they knew to be his official duty. This desire to press the Negro prosecutor into the role of the legal defender was so obvious on some occasions that the judge felt compelled to remind the litigants that he was the judge and the assistant district attorney was the prosecutor.

3. Another reason obviously inherent in some of the statements of the attorneys was that since most of the criminal element are lower class people, whose style of life is markedly contrasted with those of the court officials, some of the lawyers are apparently ashamed of their clients as members of their race. Consequently, all but two of the lawyers acknowledged that they only take such cases under extenuating circumstances or for special personal reasons.

4. A final reason suggested by a few of the lawyers for preferring civil over criminal cases is that the fees received in civil cases are generally higher than those received in criminal cases. Most of the Negroes involved in criminal cases are lower class Negroes with little substantial income, and a number of these cases are actually charity cases. However, this is not a sufficient reason for not preferring criminal law, because as many of them pointed out, the Negro litigant usually finds some way to raise sufficient fees among family or friends.

The legal profession articulates the primary group values much more than any other of the professions, except the ministry. One thing which reflects the social engineering function of the Negro lawyer is the widespread interest he manifests in constitutional law. Practically all of the Negro lawyers voiced some abiding interest in constitutional law. It is the feeling of the Dean of the Southern University Law School that because of this fundamental interest in constitutional law it is likely that the Negro lawyers in New Orleans, despite their youth, are perhaps greatly superior to their white peers in this area of knowledge.

One reason why the Negro lawyers would manifest such an interest in constitutional law is that during most of their adulthood, the battle for equal rights has been carried on, primarily in Federal courts. It is likely that

some of the lawyers chose constitutional law because they feel that it is the most available means at their disposal to carry on the struggle for Negro "rights."

E. LEGAL ADVISOR

The role of legal advisor in past years has become one of the most active roles of the Negro lawyers in New Orleans. This role includes giving legal advice to individuals and groups who need the services of a lawyer for such matters as constitutions and charters of organizations, personal rights and legal documents. There are four major reasons why the role of legal advisor is becoming one of the more active of the Negro attorneys. These reasons were suggested earlier in discussing the methods these lawyers use in building a clientele.

One reason is that groups and organizations to which Negro attorneys belong actually expect them to give practical advice as to the issues and questions before them. It is expected that they offer sound, legal, and workable solutions to the problems being discussed. On some occasions the lawyer is asked to give his "legal opinion" on the solutions to problems which other members of the group have proposed. Very often, this service is thought by the group members to be a favor, for which they owe no fees. This, as brought out earlier, has been one of the means by which Negro lawyers, through the performance of group services,

gain a clientele.

Almost every Negro attorney in New Orleans is the legal counselor for at least one major organization. Sometimes the attorneys will also occupy an official capacity in the organization. "Top" organizations in the community such as the Orleans Parish Progressive Voters League (OPPVL), Urban League, National Association for the Advancement of Colored People (NAACP) (although lawyers are excluded from the Board), New Orleans Voters Association (NOVA) and so forth, all include today Negro attorneys in their top official positions.

It has become an increasingly important fact that if an organization is to be a permanent one, it must have a legal representative to insure that the organization will keep within its constitutional bounds. In addition, the legal representative must be one who is familiar with the Louisiana Law.⁵

As pointed out earlier, the legal advisor capacity has also brought out very clearly the lack of dissension among the Negro attorneys in regard to religion. Although, it was shown that the majority of Negro attorneys in New

⁵This is one of the major reasons why the graduates of out-of-state law schools must be certified. Generally, they must take a formal course of Louisiana Civil Codes before they are admitted to the Louisiana State Bar, and consequently private practice.

Orleans are Catholics, there are several instances of a meeting on common grounds with their Protestant colleagues. Thus, one of the most important ministerial groups in the city retains a legal firm of predominantly Catholic lawyers.

Negro businesses in New Orleans have shown a decided reluctance to retain Negro attorneys as advisors. When asked about the reasons for retaining white attorneys instead of Negroes, Negro businessmen usually justify their behavior on the basis of economic expedience. One of them said "The Negro business man must deal with the white community and it is only good sense for him to employ a white attorney to represent him and his economic interest. Business is not something which one can afford to be sentimental about."

When the Negro lawyers themselves were asked to give reasons for the practice of exclusion on the part of Negro businessmen, it is interesting to note that they gave a somewhat different version from the businessmen themselves. They feel that it is largely tradition and the Negro businessmen are "still living in the past when there were no Negro attorneys." And, still another said bitterly that "Many businessmen do not use Negro attorneys because they feel that Negro attorneys somehow have not developed the same level of competence as have some white lawyers available to

Negro businesses."

Negro businessmen tend to agree that most of the long established Negro businesses have had white lawyers in their institutional structures from their inception. In some instances, these lawyers helped to organize these businesses and plan their legal bases and have given constant guidance to their businesses over the years, even before there were Negro lawyers available. Thus, they reason, it would not be feasible to replace these lawyers, who are usually members of well established law firms, for individual Negro lawyers who have had little opportunity to gain worthwhile experience in corporation law and to know other influential businessmen and officials who are in a position to determine the welfare of Negro business organizations.

Finally, in relation to the larger community, the role of legal advisor is significant, because it is in this capacity that Negro lawyers have the greatest number of white clients. In some instances, they call by telephone for the desired legal information, in others they present themselves. Very often, when a legal defender is indicated to be necessary by the Negro lawyers, the white client will then go to a white lawyer.

As mentioned in another connection a few white clients have sought the advice and counsel of Negro attorneys. There have been instances, however, that upon discovering that

the lawyers are Negroes, they immediately take their cases to some "pure" white lawyers. Those who retain Negro lawyers usually do so for some minor legal matter, such as that involving income tax, notary services, contracts, mortgages, or the preparation of legal documents.

In all likelihood, the role of legal advisor has helped to "push" the Negro attorney into the political arena. Initially, he gave informal advice to white candidates who wanted the Negro vote. Today, more and more, he gives advice to Negroes who are running for public office.

One of the major ways in which a political aspirant has of becoming known is as a legal advisor and as an officer in "top" political organizations in the city.

F. COMMUNITY LEADERSHIP

As has been shown, the Negro lawyers in New Orleans as a group are still too young and inexperienced to be considered the most influential Negro leaders in the Negro community. In other words, the hypothesis of William Peters, that the leadership is tending to shift from the minister to the lawyer, is not completely valid in New Orleans. What does seem to be true is, that the Negro lawyer is making a tremendous impression upon the direction of leadership.

It may be said that the leadership which the Negro attorneys are giving to the New Orleans community is mainly indirect. Yet the value of this professional addition to

the organizational structure is significant. This is important because as we have noted before the hitherto idealistic and moralistic principles which the ministers are prone to defend are becoming more and more tempered with rationalism, realism and practicality. Stated positively, the Negro lawyer is usually the one that reminds the idealistic, moralistic leader what practical measures must be considered in order to achieve the goals for which he seeks.

Although the Negro lawyers were generally modest in evaluating the contributions they are capable of making as community leaders, all were positive that they are in a position to render some real service that could not be done as well by any other professional group. Some of the lawyers pointed out, for instance, that there are Negroes who are unable to retain white lawyers because they have little money for fees.

Some feel that they are able to make a distinct contribution to the leadership in the Negro community by giving counsel and guidance to the organizations working for Negro welfare. They also recognize that because they are lawyers they have access to certain information and materials which are of great benefit to the Negro community, but which are inaccessible to any but lawyers. Thus, the Negro lawyer can and does help direct the lives of interested Negro people because of his intimate knowledge of such sources. Therefore,

the contacts which the Negro lawyer has tends to broaden the traditional associations which the Negro community has had with the white community.

Three of the lawyers are of the opinion that the Negro people are benefitting greatly from the political knowledge which the Negro lawyers are able to apply in the struggle for civil rights. They believe that one reason why the Negro masses have been politically apathetic is because they have had so few lawyers among them, and according to them, "the lawyer is a natural political leader."

It is not easy at this point in the professional development of the Negro lawyer in New Orleans to assess their value in the planning and operating of Negro organizations and the pronouncements of principles on the part of Negro leaders, because they play an advisory role and are not often spokesmen for the organizations in which they hold membership. The two most glaring exceptions to this rule are the Urban League and the New Orleans Voter's Association of which Negro attorneys serve as Presidents.

In the main, the groups in which the Negro lawyers hold membership are those designed to bring about Negro progress. This is so even in his professional and social connections. For example, it is a well-known fact that it was the effort of seventy-five per cent of the social clubs in 1955, to which several Negro lawyers belong, which

sponsored a "blackout" of Negro carnival balls. These groups decided to contribute all the proceeds which would ordinarily go into the preparation for a carnival ball to the NAACP. The majority of the Negro lawyers hold membership in the NAACP and it is generally true that most of the same lawyers are also in the Urban League. However, not all the Negro lawyers in New Orleans are "joiners." For a few their only significant community activity is in connection with the Martinet Society.

It was interesting to note that the Negro lawyers in New Orleans hold membership in Negro "uplift" fraternal, social, religious and community improvement groups. The one general theme which runs through all of these groups is "improvement" and the bringing about of something which will be better than the present. Even, as mentioned earlier, the social and fraternal groups in the city also become community activists.

At least nine of the respondents indicated an abiding interest in religious group participation, particularly with reference to the Knights of Peter Claver, a predominantly Negro Catholic fraternity. Politically, the Negro lawyers' participate in the Orleans Parish Progressive Voter's League (OPPVL), the black wing of the CCDA, Crescent City Democratic Association, New Orleans Voter's Association (NOVA), New Orleans Voter's League (NOVL) and United

Democrats of Louisiana (UDL).

Although the groups in which the Negro lawyers hold membership may, by and large, be considered predominantly Negro, they can not be considered exclusively Negro, for the Urban League, YMCA, YWCA, UDL, and even the NAACP include white members. This is a significant fact because it illustrates the Negro lawyer's intention to seek a "broader career." He must deal almost exclusively with the "white world" and takes every opportunity to establish interracial contacts. Furthermore, white members often lend prestige to Negro groups, particularly the more influential white individuals.

It is most significant to consider at this point the evaluation of groups working in the field of race relations. When asked what groups they felt to be most important in the progress which Negroes in New Orleans have made during the last decade or so, all of the main "uplift" organizations and political factions, now operating in the Negro community were named. The highest praise usually went to the NAACP, nevertheless, there was no united opinion as to which group was the most important. All of the major groups and political factions were believed by at least one lawyer to be most important.

In interpreting this lack of unity on the part of the respondents at least one thing becomes obvious: Among the

Negro lawyers in New Orleans there is no one racial philosophy or technique of race relations accepted by the group as a whole. The answer to this crucial question reveals what we had already suspected, that is, within the Negro community there are several basic "social segments." Each of these "social segments" regards itself as an "in-group" and members of all other "social segments" as "out-groups." In each of the segments are found different and diverse approaches to the solutions of these problems. As a result, leaders in one segment freely criticize the philosophy and techniques used by leaders in other segments. For example, some believe that the technique of diplomacy, so characteristic of the Urban League, is the best technique to accomplish racial equality. Some rely upon the aggressive legalistic approach of the NAACP, while others believe that a period of education and "change of heart" must precede any significant changes in race relations in the New Orleans community. Significantly enough, the philosophy of race relations expressed by the lawyers most nearly tends to articulate the philosophy of race relations expressed by some community organizations with which they are functionally connected. Thus the several interpretations of Negro progress and Negro-white relations offered by the lawyers interviewed suggest that the Negro community is not nearly as unified on the race issue as some white segregationists seem to believe.

This fact is, however, recognized by Negro leaders themselves who seek some level of community action that will bring together the various organizations and leaders who are interested in bettering Negro-white relations.⁶

Perhaps, the best indication of the differences in philosophies of race relations held by the Negro attorneys is their proposed program of racial desegregation in public education. Because they are all lawyers, and because the NAACP has fought for desegregation primarily through the courts, it may be expected that of all the professional groups, the Negro lawyers would have gone along with a program designed to implement immediate total desegregation in public education. In actual fact, only five of the respondents took this position. The other fifteen differed as to the length of time that it required and to the pattern of desegregation most feasible. Most of them feel that it will take up to five years to effectuate desegregation of public education, and at least two of them were willing to go along with the "Nashville Plan," according to which one grade each year would be desegregated until the process would be complete.

As to the program itself, they also differ. Some feel that it should start from the upper grades downward, some from lower grades upward and some proposed that all elementary grades or all upper grades should proceed at

⁶Daniel C. Thompson, "Patterns of Race Relations Leaders," Unpublished paper, 1959.

different times. In most instances, there was a variation on some plan of "step by step" integration of the public schools.

There is no indication that these lawyers are "gradualists." Each one of them made clear that they feel that segregation is morally, legally, and socially wrong and should be eliminated as rapidly as possible. What their differing answers really reflect is the fact that they tend to be realists and not idealists in terms of social processes; that is, particularly where law and traditions are so closely interwoven that a change in one necessitates a change in the other. It is precisely, therefore, at this point that the Negro lawyers in New Orleans are beginning to add depth, reality and challenge to the less-realistic ministers who are likely to anticipate the end of an "evil" practice simply because it is "evil" and to overlook the long period of legal maneuvering on the part of the lawyers in overcoming the obstacles presented by those who tend to profit by this "evil."

It is exactly at this point that the Negro lawyers are most critical of the groups working today in the field of race relations. It is their feeling that practically all of the community organizations that have status and substantial membership should have taken a more positive stand regarding "racial justice" and "full citizenship" for

Negroes. It was interesting, however, that the most scathing criticism was saved for religious groups (both Catholic and Protestant) which already had gone on record as condemning segregation as morally wrong, yet these groups have "done little in actual practice to right this wrong." Somehow the lawyers feel that if these powerful religious groups had attempted to implement in practice their racial pronouncements, better race relations could have been greatly accelerated and the liberals would have been given a type of moral support which they often lacked in their fight for civil rights.

There was, therefore, little consensus among the Negro lawyers as to what particular groups had done most to further Negro progress in the last decade or so. However, when it came to naming the groups most significant in hindering Negro progress, there is general consensus, at least in terms of techniques used. Most of them agreed that the White Citizens Council had not only hindered racial progress, but that it had damaged Negro-white relations and tended generally to violate the basic principles of the American Creed. And even those who did not name the White Citizens Council as such, indicated that the influence of the White Citizens Council on other civic groups, such as the Chamber of Commerce, creates a climate of fear which affects race relations in every area of our community life. The

generalized fear and distrust created by the White Citizens Council they feel, is best reflected in the large number of "Black Codes" passed by southern legislatures generally, and the Louisiana Legislature in particular. The kind of fear that they named most frequently as stemming from the White Citizens Council was economic reprisals, the loss of political influence and "character assassination." Most of them feel that this fear is so deep-rooted and prevalent that only a very few white people dare to speak out for racial equality, even when their conscience and sense of social justice demand it of them.

In reference to the Negro community, practically all of the lawyers feel that the Negro should have made greater progress in all areas of community life. It is significant to note, however, that when they were asked to reflect upon the progress Negroes have made generally, at least one-third of them (after blaming Negroes primarily for the lack of progress initially) did acknowledge that when we recognize the fact that Negroes have had to work and live in the face of serious handicaps, that the progress they have been able to make in certain areas has indeed been noteworthy.

This fact is dramatically illustrated in the Negro lawyers' evaluation of the United States Supreme Court Decision of 1954, and the Montgomery Bus Boycott. Though

this decision is severely critized by many southern lawyers and court officials, (including the white controlled bar associations), Negro lawyers tend to evaluate the Supreme Court Decision from a legal point of view and consider it to be just and right.

All of the respondents are of the opinion that the 1954 decision outlawing segregation in the public schools was not only timely but legally right. They were not only very high in their praise of the decision itself, but of the words used by the justices. Some acknowledged, however, that this decision has carried a great deal of confusion and conflict into the field of race relations, but, should be regarded as a necessary period in social change--one that should be expected in a democratic society.

In evaluating the effect of the Montgomery Bus Boycott, some of the lawyers acknowledged that, in a practical sense, many of the goals have not been achieved but the effects of that movement, like those of the Supreme Court Decision, serves to focus attention upon the injustices of segregation, and to define segregation as morally and legally unfair. Thus, they agree, that if nothing else was accomplished by the United States Supreme Court Decision and the Montgomery Bus Boycott, at least one thing can not be denied, "both resulted in a greater dignity and sense of purpose on the part of Negroes for civil rights."

One thing not found among the Negro attorneys is a sense of fatalism or resignation. Stated positively, all of them manifested hope and confidence in the continued progress of the Negro people. In almost every instance they indicated that the Negro could go a long way in the solution of his political, economic and social problems if he were educated and stimulated to the point where he organized, planned and worked for his own success. It is interesting to note that these lawyers, who are primarily concerned with the progress of Negroes, were generally optimistic and felt that Negroes themselves would be able to accomplish many of their social goals despite opposition. As a rule, they blamed Negroes, and not the white community leaders, (or "men of power") for the lack of progress which Negroes have made. This means that the statements of these lawyers, who are so optimistic about transcending the racial barriers on the part of Negroes, may reflect their youth and even professional immaturity.

The fact that Negro lawyers see the potential of great progress inherent in the Negro group, as such, and feel that this potential, if marshalled, will overcome the barriers now faced in terms of law and traditions, is wholesome and could be the basis upon which the Negro leadership might co-operate in getting together a truly unified Negro community. It is in this connection, perhaps, that the

lawyers will make their greatest contribution to "Negro uplift."

Therefore, the most significant observation to be made about the attorneys concerning Negro progress is that there is no hint of defeatism among them. They seem to believe that almost any kind of achievement is possible if only they could get the co-operative effort of the leaders and the masses they lead.

Although all of the lawyers agree that Negro progress has been significant, they qualified their statements by saying that Negro progress must be measured in two distinct ways:

First, we can evaluate Negro progress in 1959 in terms of the status of Negroes twenty years ago, in which case the progress has been tremendous.

Second, Negro progress might also be evaluated in terms of the progress made by Americans generally. When seen in this context, Negroes have made some gains in all areas of life, particularly since World War II. Nevertheless the gap between their achievements, as Negroes, in comparison to that of whites is not as equal as Negro leaders would have it.

CHAPTER IV

SELF CONCEPTION AND PROFESSIONAL ROLE

In order that we might get some concrete idea of what the Negro lawyer's conception of success might be, we asked them to name the most successful lawyers they knew and to explain why they regarded these lawyers as successful. Some of them obviously regarded as successful any lawyer who is able to maintain a substantial practice over a long number of years. Others defined success in terms of professional manners and the brilliant handling of cases in the open court. Some regarded as successful those lawyers who in one way or another attracted a large number of clients and rendered sincere community service as legal defenders. A few conceived of success in terms of the amount of money the lawyer is able to demand and to accumulate. Still others thought of success in terms of more altruistic contributions which the lawyer is able to make as a citizen in his community. However, only a few of the lawyers defined success in so altruistic a manner.

Generally, those lawyers who feel that the ultimate success in the legal profession is symbolized by achievements in the political arena, are precisely those lawyers who are politically ambitious themselves. As a rule they

are reluctant to designate as successful any lawyer who has not manifested some political acumen. It is not surprising, therefore, that the majority of these lawyers feel that A. P. Tureaud and Earl Amedee, both outstanding from the political point of view, are the most successful Negro lawyers in New Orleans.

After the lawyers had defined success in the various ways mentioned above, we were then in a position to find out whether or not these lawyers were optimistic about their own "success." It turned out that four of the lawyers did not believe that it would be possible for a Negro lawyer of similar training, experience and ability, to attain equal success with a white lawyer. About half of them thought that such success is possible, but that the Negro lawyer would have to work much harder than would be required of the white lawyer, and that even then it would take the Negro lawyer much longer. Not only must he work harder and longer in order to succeed according to white standards, but he would have to get a great deal more support from the Negro community than he does at present. Those who feel that the Negro lawyer has the same chance of success as his white colleague are generally those who define success in terms of the lawyer's ability to win cases only. They feel that if the Negro lawyer applies himself with as much dedication as his white colleague, he could achieve the same

degree of success.

However, according to one of the judges of a Louisiana court, opposing white lawyers usually use up their challenges to eliminate Negroes from trial juries before which Negro lawyers are to argue. Very often this has a negative effect, in that one or more of the jurors is likely to be prejudiced against Negroes, particularly against Negro lawyers who are likely to be obviously well educated and whose style of life is likely to be superior to theirs. In such cases the Negro lawyer's chance of winning a case might be considerably reduced.

Another factor to be considered is brought out by a criminal district court judge who pointed out in an interview that as a rule the Negro lawyer in handling criminal cases is greatly disadvantaged in that most often he must accept clients who are already recidivists. To use his words, "three time losers." Therefore, the prospect of winning cases in the court is not as simple as it might appear. We must take into consideration the jury, the opposing lawyer, and his prescribed number of challenges, the client, the evidence, and the court.

It may be, however, that in defining success as a lawyer, some of the Negro lawyers had reference to the courts, which, as a judge pointed out, are "fair and impartial" and judge a case according to evidence with no

feelings of prejudice entering into the case.

Those who defined success in terms of being elected to public office, serving in judiciary posts, and having high income, were precisely those lawyers who were most pessimistic about the possibility of Negro lawyers achieving the same degree of success as the white lawyer with similar training, experience and competence.

When the Negro lawyers were asked specifically to evaluate their Negro colleagues in terms of the manifest competence of white lawyers with similar background, the majority of them felt that the Negro lawyers as a group compare favorably. Half of them, however, did admit that the average Negro lawyer is somewhat less professionally effective than the average white lawyer. They explain this relative inadequacy by pointing out five basic handicaps experienced by Negro lawyers:

1. They feel that the Negro lawyers, as a rule, have less experience in handling white juries and court officials than white lawyers.

2. Practically all Negro lawyers are denied the prestige of being connected with old-line legal firms. The young white lawyer, they pointed out, has an opportunity immediately upon graduation from law school to work with powerful white lawyers in old respected law firms. In this connection they get practice handling a variety of cases

under the guidance of experienced lawyers. Such an opportunity is seldom available to the young Negro law school graduate. Thus, the professional guidance and contacts which the young white lawyer makes through prominent lawyers and law firms gives him a distinct advantage over the Negro lawyer.

3. Two of the lawyers called attention to the fact that, unlike many of the white lawyers who come from well-established families where law had been an integral part of their "way of life" and where the child in his growing up had learned a great deal about law and courtroom procedure informally, all Negro lawyers in New Orleans come from families of non-lawyers. None of them had an opportunity to develop an appreciation for legal procedure and a knowledge of jurisprudence, except under formal circumstances. And, furthermore, even now, since there are so few Negro lawyers in New Orleans, some of them are still in virtual isolation from the people to whom the judiciary system is regarded as an outlet for professional aspiration and development. In other words, not only were they born in families of "non-lawyers" but they are still living in communities of "non-lawyers."

4. At least one of the lawyers believes that on the whole, Negro lawyers are less competent than white lawyers because some of the Negro lawyers come from lower-class

homes. Despite the fact that they have gone to college and completed law school, many of them still retain lower class manners, which is negatively reflected in the courts and in their role as legal defender. What this lawyer was really saying is this: Negro lawyers need to develop the savoir faire of the middle class before they can expect to achieve the same sort of respect and dignity as does the average white lawyer.

5. One lawyer described at some length a reason why the average Negro lawyer is not as professionally effective as the white lawyer. He contends that the former suffers from psychological restraints insofar as the handling of all-white juries, witnesses and court officials are concerned. He feels that this is only a reflection of the centuries of oppression experienced by Negro people. The extent to which this "oppression psychology" is important in the life of the lawyer is to the degree to which he will be inadequate in dealing with the "white men of power" who dominate our judiciary system.

One other facet of how the Negro lawyers conceive of themselves was suggested in their leadership nominations. When asked to name the most influential leaders in the New Orleans community at least two patterns emerged.

1. For the vast majority of the Negro attorneys, A. P. Tureaud may be described as the "Dean," all of them

were willing with little obvious envy or jealousy, to acknowledge him as the leading Negro attorney among them. This acknowledgment of Tureaud as their ideal manifests at least two things. One is that they admire, and are even inspired by, his reputation as a fighter for civil rights. It is obvious that his influence upon the thinking of the younger lawyers in the New Orleans community is helping them to define more clearly their own roles as Negro attorneys and community leaders.

2. One other distinct pattern which emerged in the nominations of community leaders by the Negro attorneys is their obvious acceptance of middle class values and goals. In hardly any instance did they name mass leaders of Negroes as being influential. In most instances, their highest praise for leaders went to Negro professionals and businessmen who are stable members of the Negro middle and upper classes, in terms of income, education and style of life.

Perhaps the thing which reveals most clearly the Negro lawyer's self-conception is the interpretation of his role as "lawyer." As would be expected, the lawyers agree that their primary role, as lawyers, is to represent their clients to the best of their abilities. Interestingly enough, however, none of them regarded this as the totality of their professional function. As a matter of fact,

practically all of them regarded community participation to be of primary importance.

One other role which the lawyers consider important is that of political participant. At least half of the lawyers are involved, to some extent, in one or more of the political factions in the Negro community, and several of them have either attempted to win political office or are making definite plans to run for some political office on a local or state level. A few of them said outright that they feel that one of the basic roles of the lawyer is that of political representative and pointed to outstanding examples of this in the white community.

A third function a few of the lawyers believe to be an integral part of the legal profession, is "to be an example of what is right and proper" in regard to personal behavior. The two lawyers who made this statement are manifestly concerned with the lack of morality and respectability manifested by the Negro masses. Important also is the fact that these are the two lawyers who express the most concern for political office and would cater to the Negro masses to help them win such public offices. In other words, these are the two whose political ambitions are definitely tied up with the Negro masses, and they both seem genuinely concerned with the social welfare of the Negro race as a whole. One of them was for many years a

"top" labor leader, and the other has been a candidate for public office on two occasions.

One other thing revealed by this statement is the fact that both of these lawyers are representatives of the middle class. They insist that one of the greatest handicaps encountered by Negroes in their fight for equal rights is that many Negroes do not exemplify behavior which might be regarded as middle class. They evidently feel that the Negro masses would be better off if they were more careful about their dress, speech and public manners, and more ambitious about furthering their own political and economic interests.

Another role which about one-fourth of the lawyers believe to be important is that of legal advisor. According to them legal advisor in this sense does not mean counsel given to clients, but a more or less informal role, which they would attempt to play as members of organizations in which they hold membership. As members of these organizations they accept opportunities to voice their personal opinions on matters under consideration and to point out the legal aspects of whatever action their groups are planning.

It is this role played by the lawyer that is so highly valued by most of the Negro civic and "uplift" organizations. These organizations seek out the membership

of the lawyers because, in that way, as members, the lawyers can add the legal, more realistic approach that the organization may take in the solution of certain problems under consideration. And it is therefore as legal advisor more than in any other capacity that the real influence which the Negro lawyer has in community leadership is evident.

At least two of the lawyers feel that their primary responsibility as lawyers is to interpret the Constitution of the United States in such a manner that the rights of individuals might be constantly protected. It is interesting to note that the two lawyers who made this statement are unusually concerned about race problems and the civil rights struggle now going on throughout the nation and particularly in the South. These lawyers agree that in order for the Negro to achieve equal rights in the south it must be done through political participation and the courts where the dignity of the Negro, as a person, must be recognized and respected. It is in this connection that they interpret their occupational roles.

CHAPTER V

SUMMARY

A. INTRODUCTION

Although Negroes constitute approximately one-third of the population of New Orleans, during the summer of 1959 there were more than 1,300 white lawyers and only twenty Negro lawyers practicing in New Orleans. This is a ratio of 65 to one. Yet even this number of Negro lawyers is significant because just ten years or so ago there was only one Negro lawyer practicing in the city. Therefore the main question dealt with in this study is this -- to what extent does the role of Negro lawyers in New Orleans differ from that of their white colleagues?

In order to answer this question all of the twenty Negro lawyers were asked to answer two schedules of questions. One schedule was designed to get information about the lawyers' professional roles, and the other schedule was intended to get information about their roles in community affairs. Administering the two schedules required from three to five hours of interviewing.

In addition to information obtained through interviews, efforts were made to review all pertinent literature on the

legal profession in general, and that regarding Negro lawyers in particular. Since national bar associations have seldom dealt pointedly with special problems of Negro lawyers, little could be obtained from an examination of their formal papers or actions which would facilitate an understanding of their peculiar roles. Furthermore there is very little written about Negro lawyers as a professional group. Consequently, practically all interpretation in this study stems from the sociology of race relations and from information obtained through personal interviews with Negro lawyers, and with white lawyers with whom they come in professional contact.

Throughout this study two main hypotheses have guided the collection and analysis of data. The first is the hypothesis proposed by Myrdal in his analysis of the status of the Negro in American society. According to him, the Negro "genius" is "imprisoned" in the Negro problem.¹ He contends that this is true of all Negro professionals. He points out that professional roles of Negroes must be acted out, so to speak, within the Negro community and in connection with Negro problems. Therefore, to use Bates' formulation,² the broader

¹Gunnar Myrdal, An American Dilemma, (New York, Harper and Brothers, 1944), p. 28.

²Frederick L. Bates, "An Outline of Structural Concepts," Unpublished paper, 1958.

professional roles of the Negro in regard to the total community are, as a rule, latent.

The second hypothesis of major concern in this study is one proposed by Peters.³ It is Peters' contention that the dominant leadership in the Negro community is shifting from Negro ministers toward Negro lawyers. Consideration of this hypothesis led to an examination of the Negro lawyer's role in community affairs. The role as community leader, then, is regarded in this study as an integral part of the Negro lawyers' "occupational situs."

B. ACTIVE AND LATENT ROLES OF NEGRO LAWYERS IN NEW ORLEANS

In order to make a fruitful analysis of the active and latent roles of Negro lawyers in New Orleans, it was advisable to examine at length the extent to which certain of their professional roles are limited by the fact of their being Negroes. This concern guided us in an analysis of four major professional roles which lawyers are expected to play. Three of these roles may be regarded as traditional and expected of all lawyers. These are legal colleague, legal defender, and legal advisor. The fourth role, that of community leader, is expected of individual lawyers in our society generally, but is not necessarily expected of all.

³William Peters, The Southern Temper, (New York: Doubleday and Company, 1959), p. 189.

The leadership role does, however, seem to be generally expected of Negro lawyers by the Negro community, and it is thus regarded here as an integral part of their "occupational situs."

Legal Colleague

All of the practicing Negro lawyers interviewed hold membership in the American Bar Association. Nevertheless, their membership in this association may be defined as limited because there are several roles in connection with this association which they are not now expected to play. At the present time about the only roles they play in this association that might be regarded as active are that of paying dues and occasionally casting an absentee ballot for officers. All other roles may be described as latent. They do not hold offices themselves, none has read papers before the association, and they are not regarded as significant in association policies and politics. About the only benefit the Negro lawyers agreed accrue from their membership in the American Bar Association is the fact that they receive the American Bar Journal, and are, therefore, in a position to keep up with the published papers that reflect the general thinking and policies of the association.

All of the lawyers belong to the Louisiana Bar Association as one means of qualifying to practice law in the state. Just as is true in connection with the American Bar

Association, practically all of the roles relating to the Louisiana Bar Association are latent, insofar as the Negro lawyers are concerned. All of them complained that they never got a chance to meet with their white colleagues or to participate in the local meetings which are always held in segregated places where Negro members are not permitted. The lawyers feel keenly the disadvantages of not having opportunities for associating with white colleagues with whom they must come in contact in courts. They also feel that they are greatly disadvantaged in their practices because of the limited opportunities they have of exchanging ideas with some of the most mature and influential white lawyers who are active in the Louisiana Bar Association.

Insofar as the New Orleans Bar Association is concerned, all roles are latent with respect to Negro lawyers. For all practical purposes this association does not acknowledge the existence of Negro lawyers in New Orleans. Negro lawyers are not even advised of conditions or policies affecting New Orleans lawyers generally, and are systematically excluded from mailing lists. One lawyer even complained that an official of the New Orleans Bar Association refused to provide him with a "price list" which sets forth what lawyers should charge as a minimum and maximum fee for services rendered clients.

Only four of the Negro lawyers hold membership in the

National Bar Association, an all Negro organization. Most of the Negro lawyers interviewed feel that the National Bar Association was intended to serve two purposes: to provide Negro lawyers with opportunities for professional contacts, and to facilitate integration in the American Bar Association. A few, however, did point out the fact that the National Bar Association is an instrument which Negro lawyers might use in the Negro's struggle for equal civil rights.

Lawyers who hold membership in the National Bar Association are permitted, of course, to participate fully in all of its activities. The latency of their roles in regard to this organization is self-imposed. A few of the lawyers, who are most active in this organization, tend to criticize other Negro lawyers for their inactivity. They feel that despite the fact that in some parts of the country Negro lawyers participate freely in the American Bar Association, the National Bar Association still has a unique service to render in the Negro's fight for desegregation which is now intensified.

Despite the strong appeal of this organization for unity on the civil rights issue, there is definite evidence that it is not gaining membership in proportion to gains in the number of Negro lawyers. From statements made by practically all of the lawyers interviewed we may conclude

that on the whole they feel that Negro lawyers can accomplish more in their struggle for civil rights if they join forces with like-minded white lawyers, than they can through a segregated national bar association. Consequently, they are making constant efforts to achieve full status in predominantly white bar associations and manifest only a nominal interest in the all-Negro National Bar Association.

All of the Negro lawyers in New Orleans, with the exception of very recent graduates from law school, hold membership in the all-Negro Louis Martinet Legal Society. This organization, like that of the National Bar Association, was initially designed to be a temporary step to full integration into a broader "white" bar association. This organization is the main medium through which Negro lawyers in New Orleans exchange ideas and information and co-operate in the solution of common problems they face as practicing lawyers. It is the primary means by which they maintain uniform ethical standards in their practices. It serves essentially the same purpose for the Negro lawyers that the New Orleans Bar Association and the Louisiana Bar Association serve for the white lawyers. All of the lawyers interviewed concurred in their belief that so long as they are not permitted to participate in the other local association, the Martinet Society is an indispensable organization to them insofar as their professional growth and security is concerned.

In addition to the mutually helpful colleague relationships the Negro lawyers have in the Martinet Society, they also have frequent informal contacts which are professionally beneficial. Many of them belong to the same civic and social organizations, which provide opportunities for them to discuss community problems and to co-operate in the solution of these problems. This is so particularly in regard to their role as community leader. Also, whenever one of the lawyers faces a difficult problem in the handling of his practice he is likely to call upon one or more of his colleagues who will give freely of time and advice.

We may say that insofar as the Negro lawyers as a group are concerned, however, the colleague role they play with regard to the white lawyers is most often latent. They do not participate in meetings of the local white bar associations. Informal contacts with white lawyers are generally limited to situations where white lawyers have Negro clients and call upon some Negro lawyer for special aid or assistance. There are other instances when the Negro lawyer needs the benefit of contacts which certain white colleagues can provide. According to statements made by the Negro lawyers, white lawyers they call upon for advice or services always provide them in a professional manner.

Legal Defender

It may be said that the role of legal defender is the

most important, or active, role of Negro lawyers in New Orleans. Practically all of the Negro lawyers included in this study may be regarded as "general practitioners." Their practice is confined almost exclusively to the Negro community. Only occasionally do they have white clients. Even their Negro practice is, as a rule, restricted to "general" cases of a more or less minor nature. Only infrequently do they get cases involving serious crimes. Most of their cases are the kind that can be settled effectively "outside" of the courts. Thus, their role as legal defender in an "open court" is very often latent.

Legal Advisor

The role of legal advisor is the most important role in bringing the Negro lawyer into contact with the wider white community. This role, too, is primarily active in regard to Negro clients. Yet it is in this capacity that most of them serve white clients. By and large this advisory role is active in regard to minor issues such as notary services, the drawing up of charters, contracts, and as a first step in suits involving inheritances, successions and compensations.

Perhaps the most profitable and challenging aspect of the legal advisor role is in connection with the operation of corporations, with being a "corporation lawyer." With few exceptions, this role on the part of Negro lawyers in

New Orleans may be described as latent. Practically all corporations in the Negro community employ white lawyers as their legal advisors. When asked why they did not employ Negro lawyers, most of them gave answers to the effect that large businesses have to deal directly with powerful economic and political leaders in the white community. They reasoned that it would be better to have their corporations represented by white lawyers who are respected by these white leaders.

The role of corporation lawyer is partially latent even with respect to Negro businesses, and it may be regarded as "eternally latent" where white corporations are concerned. None of the Negro lawyers serves as legal advisors to white corporations.

Two or three of the lawyers interviewed have served as legal advisors to bi-racial organizations, such as labor unions, and to civic organizations that have a large number of Negro members. Yet, even in such organizations some white lawyer is usually the chief representative.

Community Leader

The Negro lawyer is still too young, with a median age of 32, and inexperienced to be considered the real leader in the Negro community. However, we find that Negro attorneys are having a significant influence upon the direction of leadership in this city. Most of the major

organizations and agencies in the Negro community that are working for community betterment call upon them for counsel and guidance.

We may say, then, that the leadership in the Negro community which the Negro attorneys are providing is mainly indirect. Yet the value of this professional addition to the organizational structure of the community is significant. "More and more we have noted that the hitherto idealistic and moralistic principles which the ministers are prone to defend are becoming more and more tempered with realism, rationalism, and downright practicality."⁴ The Negro lawyer, then, is usually the one that reminds the idealistic or moralistic leader what practical measures must be considered in order to achieve the goals he seeks.

It is not easy at this point in the professional development of the Negro lawyers in New Orleans to assess their value in the planning and operation of Negro organizations and the pronouncements of principles on the part of Negro leaders. They play an advisory role and are not often spokesmen for the organizations in which they hold membership. But, in talking with various leaders, it has become crystal clear that the Negro attorney is having a noticeable influence upon the types of plans they make and the goals they seek. For example, it is safe to say that no

⁴Daniel C. Thompson, "Patterns of Race Relations Leaders," Unpublished paper, 1959.

organization of any note in the Negro community today would attempt to draft a constitution or set down by-laws without the formal or informal advice of a Negro attorney.

The significance of the Negro lawyer in New Orleans today is that he can give sympathetic advice, counsel, guidance and, in some instances, leadership to the Negro's legal struggle for equal citizenship.

If we had to give one sentence which best describes the Negro lawyer's leadership in the Negro's struggle for civil rights and wider social participation, it would be this: The Negro lawyers have added a sense of realism to the idealist philosophy so characteristic of Negro ministers. They are not, as Peters hypothesized, replacing Negro ministers as the traditional leaders in the Negro community. Rather, it seems that Negro lawyers tend to extend the influence of Negro ministers, who are still the dominant leaders in Negro "uplift" organizations in New Orleans.

Finally, Negro lawyers in New Orleans constitute a young, ambitious, professional group who are willing to work hard in order to achieve success. And already some of them have achieved notable success despite the fact that they are young and may be regarded as relatively inexperienced.

Some of the lawyers are less race conscious than others. Nevertheless, it may be said that all of them regard

racial "uplift" as an integral part of their "occupational situs." They differ in some respects as to how best they can help the Negro group achieve equal civil rights. As a rule, however, they all agree that perhaps the greatest contribution they can make to the Negro's struggle for equality is to use their knowledge of law and their ability to communicate for the purpose of stimulating and guiding the Negro community into a more active participation in political affairs.

Perhaps no other professional group in the Negro community has higher morale than do the lawyers. Thus in spite of the fact that they feel that as Negro lawyers they do not have all of the opportunities for professional growth and development enjoyed by their white colleagues, they are optimistic about their ability to earn a living and to make significant contributions to the racial desegregation progress now taking place throughout the south. Their professional competence and optimistic outlook are increasingly being recognized and respected by Negro organizations and leaders, as well as by their white colleagues and the judges in whose courts they practice.

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APPENDIX

APPENDIX A.

THE NEGRO AT THE LOUISIANA BAR

(By A. P. Tureaud, New Orleans Bar)

Negroes have practiced law in Louisiana since the earliest days of Reconstruction. According to available records, Negroes practiced law in Louisiana about the year 1865 and have been engaged in the practice since that time. Among the earliest of these lawyers was T. Morris Chester. He studied law in England, was a newspaper reporter for one of the New York dailies and was said to have been the reporter who scooped the assassination of Abraham Lincoln in 1864. He was made a colonel of the Louisiana National Guard and practiced law in New Orleans. Among the many outstanding lawyers admitted to practice here may be mentioned Robert Browns Elliott. Elliott figured prominently in the Reconstruction Government of South Carolina, where he served as Attorney-General and later as a member of the United States Congress. He was admitted to the Louisiana Bar in 1883. It is said of him that whenever he appeared before the Supreme Court of Louisiana all of the other divisions of the Court would adjourn in order to enable members of the bench and bar to attend the argument in the Supreme Court, a fact which can be attested by his brilliant debate in Congress on the Civil Rights Bill.

Another distinguished member of the Louisiana Bar was James Madison Vance who was said to be without peer in forensic oratory.

About the year 1874 Straight University, an institution sponsored by the American Missionary Association, opened a law school in New Orleans. The first class to graduate from the law school was the class of 1876. The last class graduated in 1886. The school was opened to both white and colored, and graduates were admitted to the Supreme Court of Louisiana on the diplomas which were received from the school. According to the late Rene C. Metoyer, a member of the last graduating class, the school was dissolved because of the death within the year of most of the faculty. One of the faculty members, M. M. Cohen, wrote a 500 page treatise on Admiralty Law.

Many of the graduates of the law school of Straight University, both white and colored, became distinguished and honored members of the Louisiana Bar. Its first Negro

graduate of distinction was Louis A. Martinet. Martinet was also a graduate in medicine. He practiced medicine in New Orleans prior to his engaging in the practice of law. He was also publisher of the Daily Crusader (1890-96) and was one of the leaders in the fight to have the Jim Crow Car laws in Louisiana declared illegal. It was his group which brought the case of Plessy vs Ferguson to the Courts. Martinet, Eugene Luscy, R. L. Desdunes and other graduates of the law school of Straight College took an active part in organizing the "Citizens Committee for the Annulment of Act No. III, commonly known as the separate car law."

Graduates of Straight University and the years of their graduation are as follows:

Class of 1876

Alfred E. Billings
John W. Cumberland
Robert H. Isabelle
Eugene Luscy
Louis A. Martinet, M. D.
Alexander F. Riard
Samuel J. N. Smith
John E. Staes

Class of 1878

Bertrand Courrege
Thomas Flanagan
Oliver L. Garret (Canton, Miss.)
Hamilton N. Gautler
Edward Hunt
Robert L. Thompson

Class of 1879

Charles A. Baque
John G. McLeod
E. B. Mentz
Vincent Nielly
Edward M. Purcell
(Wash., D. C.)
Malone Wheelers

Peter E. Burke
Charles H. Breen
George P. Davis
John Fouga (Arizona)
George G. McLean
John G. McMahon
Joseph S. Schwab

Class of 1881

S. F. Bouchere
Thomas S. Collins
H. R. Grandmount
Charles W. Hunt
Patrice Leonard
Owen Reidy
Williams H. Seymour

Class of 1882

Lucien Adams
Benjamin Armsbruster
Joseph Wm. Carew
(Tallahassee, Fla.)
Rudolph Lucien Deadunes
Timothy James Gilloly
Henry Heidenham
Oregon W. Long
Thomas DeSalier Tucker
(President State Normal School,
Tallahassee)
Frank George Ulrich

Class of 1883

Charles A. Bourgeois
 J. Parish Childress
 George W. Deering, Jr.
 Henry N. Frisbie
 Williams Golding
 Mathew A. Grace
 William H. Hodgkins
 (Wash., Tenn.)
 David C. Moise
 Paul Reusch

Class of 1885

Edmond H. Chadwich
 John L. Davies
 Michael J. Griffen
 John F. Patty
 Oscar Pilman
 Charles A. Roxborough
 Claudius B. Soares
 Davis B. Temple, A. B.
 (Vicksburg, Miss.)

Class of 1884

Felix Berhel
 Sandord B. Horton
 (St. Joseph, Miss.)
 James J. Kearne
 Ernest Longpre
 J. J. O'Sullivan
 Charles B. Perry (Oxford, Conn.)
 William H. Yates

Class of 1886

George Daldey
 Andre Dorioccourt
 John D. Grace
 Paule LaSalle
 Thomas F. Maher
 Rene C. Metoyer

Others admitted to the practice of law in Louisiana not graduates of Straight were James Vance Lewis, James Madison Pierce, James Madison Vance, Charles Roberson Frank B. Smith and Joseph A. Thornton. None of the above are living today.

The writer and a few of the present day members of the Bar were among those admitted upon graduation from the law schools outside of Louisiana. In 1947, a law school was established at Southern University. Since that time more than 25 Negro Lawyers have graduated from or were admitted to the Louisiana Bar on certificates issued by the law school at Southern University. Some of the members of the bar are graduates of other law schools than Southern, but were required to obtain certificates from Southern showing that they have had at least 16 hours of Louisiana Code and Code of Practice courses plus evidence of at least two semesters in residence in the Southern University Law School. Because Louisiana law stems from the French Civil Code, the requirement for special courses in the Civil Code is a wise provision and prepares those intending to practice in Louisiana.

In 1950 Louisiana State University opened its doors to Negro students desiring to study law, following the decision of the Supreme Court of the United States in

Wilson vs L.S.U. (340 U. S. 909; 95 L. Ed. 200). There are at present three students in the law school at Louisiana State University, two of which are seniors.

Loyola University of the South, a Catholic institution, voluntarily opened its doors to Negroes desiring to study law and to date there are four students attending law classes there.

Negro lawyers enjoy the respect of the members of the Bar and the Bench in all parts of this State. The judges and attaches of the Courts are courteous, kind and considerate. The writer can truthfully say that he has never experienced any prejudice exhibited toward him or his clients in any case he has ever tried and the judges of all of the courts of Louisiana have been very helpful in those instances where the inexperienced lawyer required assistance. This fact has been demonstrated from time to time. An example of this fine spirit is manifested in the distribution of Negro Lawyers throughout the state in such cities as New Orleans, Baton Rouge, Lake Charles, Opelousas, Monroe, Shreveport, and Franklinton.

Several years ago, the late Charles H. Houston made a study of the Negro Lawyer in the South for the Carnegie Foundation. On visiting New Orleans, he stated that he found opportunities were greater here than elsewhere. This has been borne out by experience.

APPENDIX B

THE RACIAL PROBLEM IN INCORPORATED SOUTHERN BARS
(1959)

The proposed incorporation of the Georgia bar would require all those licensed to practice law to be members of the State Bar. This would, of course, mean that the approximately twenty colored lawyers in the state would be members of the State Bar. In view of our tradition of separation of the races which we are now defending in other areas, it is imperative that a legally secure and equitable solution be found to the problem posed by colored membership.

Letters were written to six southern states (Alabama, Mississippi, Louisiana, North Carolina, Virginia, and Florida) and replies were received from all but one (North Carolina). The tradition of segregation of the races in these states is comparable to the tradition in Georgia. The following excerpts have been taken from these letters to show the reaction of other states to the problem. The letters are on file and may be examined by those who may wish to do so.

The immediate past president of the Mississippi State Bar:

In Mississippi we have only a few negro lawyers. They have participated in the Bar Association programs to the extent of paying their dues, receiving the law journals, but have not participated either in the conventions or social activities.

The immediate past president of the Louisiana State Bar Association:

We have had no difficulty whatever with reference to the racial question. The Negro lawyers of the state are, of course, members of the Louisiana State Bar Association and receive all the literature and mailings which go out to the members. At the annual meetings of the Association the colored members are free to attend the business sessions. We have had no problems presented in this regard.

The editor of the Alabama Lawyer, a judge with some fifty years experience at the bar and who practiced under both a voluntary and incorporated bar:

With regard to the racial question, we have less than ten Negro lawyers in Alabama. On the whole, they conduct themselves very well. While a few of them attend the annual meetings, they sit off by themselves and none of them ever makes application to attend the Annual Banquet. It is also customary in Alabama, in sending out any kind of announcement of a Bar meeting or Bar program, if there is to be a luncheon or a dinner, just to omit sending notices to the Negro members.

The immediate past president of the Virginia State Bar:

The racial question does give us some concern particularly in organized social events at annual meetings. We meet in hotels at Old Point, Richmond, and Roanoke, Virginia. Members of the colored race attend our meetings in these hotels but are not permitted to lodge there. We cannot spend Virginia State Bar funds for social events and cannot as such sponsor social events. However to date we have met the need for group social affairs by having banks, Lawyer's Title and other institutions sponsoring these affairs at which attendance is based on invitation.

The executive director of the Florida Bar:

The racial issue has never been a problem.... purely social events could be a problem but to this point they have never posed any difficulties at all. Of course, most social programs for lawyers are sponsored by local voluntary associations which are

not official organs of the state or integral parts of the Florida Bar, although there are wide areas of cooperation and interdependence. While it would be possible to pose hypothetical situations in which the racial issue would become a difficulty, as a practical matter the good sense of the lawyers involved is virtual insurance against such a state of affairs.

The Alabama method of merely omitting invitations to colored lawyers would seem to be open to constitutional attack and would, therefore, probably be better to avoid. The Virginia method, to prohibit spending State Bar funds on social events and having other groups sponsor them is objectionable from two viewpoints. First, under our proposed system, any change in the system would probably have to be statutory. Second, there is the obvious implication of letting banks, title companies, and other non-legal groups sponsor your events.

One other approach has been suggested. It is to continue to have a state-wide voluntary association with restricted membership. The primary purpose of the second group would be to sponsor social and similar type events. Such dual organizations do exist in North Carolina and Virginia, but information has not been received as to the advantage of using this plan.

Perhaps the most obvious solution is the one used in Florida. There, local bar associations sponsor the social events. This system has been partially used in the past for the voluntary Georgia Bar Association. At the annual meeting,

several social functions are conducted by the Savannah Bar Association. At Board of Governor meetings, local bar associations often sponsor social events. Such a method would not be open to constitutional attack and would not have non-legal groups sponsoring state bar events.

Regardless of the method chosen, it can be readily seen that other Southern states with traditions similar to Georgia have incorporated their bars and faced no overwhelming problem with regard to colored members. We might also hope that in Georgia ". . .the good sense of the lawyers involved. . ." would do much to allow this problem to remain dormant.

Interview Schedule

for

Leadership Study

Sex: M _____ F _____

Age: _____
(Date at last birthday)

Religious Affiliation: _____

Main Occupation: _____

1. Marital Status

- Single _____
- Married _____
- Widowed _____
- Separated _____

2. Place of birth

A. State _____

- 1. Farm _____
(nearest large city)
- 2. In the open country, but not on a farm _____
- 3. In a village of less than 2500 population _____
- 4. Town from 25-10,000 population _____
(name)
- 5. A city of 10,000-50,000 _____
(name)
- 6. A city of up to 100,000 population _____
(name)
- 7. A city of more than 100,000 population _____
(name)

B. If you have not always lived in New Orleans, how old were you when you left your place of birth?

C. How long have you lived in New Orleans?

D. Will you tell me about some places you have lived before coming to New Orleans?

3. Father's occupation during your early childhood---

4. Other occupations of father--

5. Present occupation of father--

Present occupation of mother--

6. To the best of your knowledge, in what income bracket did the annual income of your parents (family income) fall when you were a child?

- (1) Under \$3000 _____
- (2) \$3000 -- \$5000 _____
- (3) \$5000 -- \$7500 _____
- (4) \$7500 -- \$10,000 _____
- (5) \$10,000 -- \$25,000 _____
- (6) Over \$25,000 _____

7. Education of father--

8. Education of mother--

9. Religious affiliation of father _____ mother _____

10. Please tell me some of the things you remember about your grandfather.

(a) His occupation--

(b) The type of person he was/is

(c) Whether or not he was/is regarded as a community leader

11. Please tell me some of the things you remember about your grandmother.

- (a) Her occupation
- (b) The type of person she was/is
- (c) Whether or not she was/is regarded as a community leader

12. Did you ever serve with our Armed Forces? Yes _____ No _____

13. If "yes", please tell me about your military experiences.

14. What is your main occupation and title of present position?

15. What are your other business affiliations and titles of positions presently held, if any?

16. Length of time in present position(s)?

17. Suppose you had to do it all over again--would you still choose the position(s) you now hold? _____ Why?

18. If not--what would you prefer to do? _____ Why?

19. Please name and describe all previous jobs held (indicating length of time in each.)

20. In what bracket does your annual income from your main occupation fall? _____ Your total annual income? _____

21. In what ways would you say your experiences relating to the jobs or positions you have held have tended to make you feel as you do about certain social issues, or problems?

22. Please check the category below which best indicates the amount of education you received. (Designate where each school is located)

_____ (1) Did not finish elementary school_____

_____ (2) Finished elementary school_____

_____ (3) Attended high school, but
did not finish_____

_____ (4) Finished high school_____

_____ (5) Attended college, but
did not finish_____

_____ (6) Received bachelor's degree_____

_____ (7) Attended graduate school, but
received no graduate degree_____

_____ (8) Received one graduate degree_____

_____ (9) Received two or more graduate degrees_____

_____ (10) What other degrees?_____

23. If you attended college please answer the following questions:
(Name of College)

(1) Private _____
(Name of College)

(2) State supported _____
(Name of College)

(3) Yes_____ No_____ Did you serve as an officer in student government?

(4) Yes_____ No_____ Were you editor or other officer of the college newspaper?

(5) Yes_____ No_____ Were you an officer in one or more other campus organizations?

(6) Yes_____ No_____ Did you graduate with honors or were you a member of one or more honor societies?

(7) Yes_____ No_____ Did you have a part-time job while in college?

(8) Yes_____ No_____ Did you hold any other office(s)?_____

(9) Yes_____ No_____ Did you join a fraternity or sorority? If so, which?_____

24. Many factors have been listed as important reasons why some people achieve success in their occupations. What three factors do you regard as most important in achieving the success you have in your profession, and as a community leader? Why?

A. In your profession

(1) _____

(2) _____

(3) _____

B. As a leader

(1) _____

(2) _____

(3) _____

25. As a community leader, have you ever had the opportunity to work with or come in contact with leaders representing other groups than your own? (religious, politics, labor, community welfare, etc.)

26. If "yes" please describe as fully as possible the nature of these contacts:
- A. Purpose of meetings
 - B. Types of problems discussed
 - C. Your reaction to the representatives of other groups
 - D. Did their opinions significantly differ from that of the majority?
 - E. Did your opinion differ from that of the majority?
 - F. If your opinion differed from the majority, why?
27. How would you evaluate leaders from other groups with whom you have worked? Would you say that they are sincere, interested in community welfare, capable, and making worthwhile contributions?
28. As a community leader, have you ever had the opportunity to work with or come in contact with leaders of the other race?
29. If "yes" please describe as fully as possible the nature of these contacts:
- A. Purpose of meetings
 - B. Types of problems discussed
 - C. Your reaction to the representatives of other groups
 - D. Did their opinions significantly differ from that of the majority?
 - E. Did your opinion differ from that of the majority?
 - F. If your opinion differed from the majority, why?

30. In looking at the progress Negroes, as a whole, have made during the last 15 or 20 years, some feel that it has been rapid and their achievements have been noteworthy. Please tell me how you evaluate their progress.
- A. In what areas do you feel that Negroes have made the greatest progress? Why?
- B. In what areas do you feel that they have made the least progress? Why?
31. Who are some of the individual leaders in New Orleans (white and Negro) you feel are primarily responsible for whatever progress Negroes have made since World War II?
32. What groups do you feel have done most to further Negro progress?
33. What groups do you feel have done most to hinder Negro progress? Why?
34. What groups do you feel could have done more than they have? Why?
35. As a leader in New Orleans, how would you evaluate the progress Negroes have made in--
- A. Politics
1. Should have made much greater progress
 2. Should have made somewhat greater progress

3. Progress is about as it should have been
4. Have made more progress than could have been expected
5. Have made more progress than they should have made

B. Economics

1. Should have made much greater progress
2. Should have made somewhat greater progress
3. Progress is about as it should have been
4. Have made more progress than could have been expected
5. Have made more progress than they should have made

C. Health

1. Should have made much greater progress
2. Should have made somewhat greater progress
3. Progress is about as it should have been
4. Have made more progress than could have been expected

5. Have made more progress than they should have made

D. Education

1. Should have made much greater progress

2. Should have made somewhat greater progress

3. Progress is about as it should have been

4. Have made more progress than could have been expected

5. Have made more progress than they should have made

E. Housing

1. Should have made much greater progress

2. Should have made somewhat greater progress

3. Progress is about as it should have been

4. Have made more progress than could have been expected

5. Have made more progress than they should have made

F. Race Relations

1. Should have made much greater progress

2. Should have made somewhat greater progress

3. Progress is about as it should have been
4. Have made more progress than could have been expected
5. Have made more progress than they should have made
6. Have you ever done anything as a community leader (directly or indirectly) to bring about changes in the status of Negroes in New Orleans. If so please describe your action in detail.
7. As you know, in 1954 the United States Supreme Court voted unanimously that segregation in public education is unconstitutional. Will you please tell me what you think about this decision. (Has it helped or hindered the progress of Negroes in the South?)
8. As you know, the Montgomery Improvement Association was the organization that led the successful boycott of segregated busses in Montgomery, Alabama. Will you please tell me what you think about that movement? (What, if anything, do you think it accomplished?)
9. Please name three of what you regard as the most influential Negro leaders in New Orleans in regard to race relations.
 1. _____
 2. _____
 3. _____

40. Please name what you regard to be three of the most influential white leaders in New Orleans in regard to race relations.

1. _____

2. _____

3. _____

41. Why do you feel that these six people are more important than some others in the field of race relations?

42. Some church groups have condemned racial segregation as undemocratic or morally wrong. What do you think about this proposition?

43. Some people believe that desegregation could be effectively accomplished were it not for a few frequently-heard politicians. What do you think?

44. Some people feel that we are now experiencing a significant crisis in race relations throughout the South. Do you agree?
Yes _____ No _____

45. If "yes", as a community leader, what do you regard as your primary, or most important, duty to your community in this situation?

46. Recently, a powerful politician said that it is his committee's intension to purge as many Negroes as possible from the voting list. What do you think about this?

47. Since 1954 several groups have been struggling over the desegregation of schools. Some of these groups bitterly oppose desegregation while others are just as determined to bring about desegregation. Please tell me what you think about the following groups:
- A. Southern state legislature that have passed more than 200 segregation laws since 1954?
 - B. The White Citizens Council and other such white supremacist groups?
 - C. Organized action groups that have committed certain acts of violence?
 - D. The N A A C P ?
 - E. The Urban League?
 - F. The Interdenominational Ministerial Alliance?
 - G. Independent individuals who have volunteered to speak for or against segregation?
 - H. What other groups do you think have had some importance in the racial desegregation controversy?
48. Have you ever been a part of any group where decisions regarding racial issues were reached?

49. If "yes" did you have any part in making these decisions?
50. If you have ever had any part in making decisions in regard to racial issues, please explain exactly what part you played.
51. Did the group accept or reject your ideas or suggestions where some racial issue was concerned?
52. Knowing New Orleans as you do, how long do you think it will be before Negroes are generally admitted to--
- A. Public schools in which whites are attending?
 - B. Hotels and restaurants which now serve only whites?
 - C. Churches now regarded as "white" churches?
 - D. Recreational facilities now used by whites only?
 - E. Civic organizations such as the Chamber of Commerce, Rotary and Lions Clubs?
 - F. Private white social clubs?

53. Please give me the names of all of the organizations in which you now hold membership and--
- A. The general purpose of each organization
 - B. The composition of the membership
 - C. Types of problems or issues discussed
 - D. Evaluate its role in community affairs
54. It is generally believed that desegregation of the public schools and other public facilities in New Orleans will be demanded by the Federal Courts. Assuming that this must take place, what kind of program of desegregation would you recommend as best?
55. Please tell me what you think about the one-party system in the South.
56. Suppose a law is passed by the Louisiana State Legislature or Congress that a large number of people believed to be contrary to their best interests--or even unjust. What do you think they should do about it?
- (a) To obey the law regardless of the hardships?

(b) Obey the law while trying to get it changed?

(c) Disobey the law while trying to get it changed?

(d) Disobey it?

Interview Schedule
For
Legal Study

1. What are some of the things lawyers are expected to do as lawyers?
2. Would you mind telling to me some of the main reasons why you chose law as a profession?
3. How did initially begin your practice, were there any particular methods involved in securing your clientele?
4. Will you please give me some examples of what appears to you to be the most successful Negro lawyers in New Orleans?
 - (a) Why do you regard them as successful?
5. Please give me some examples of what appears to you to be the most successful white lawyers?

(a) Why do you regard them as successful?

6. Do you hold membership in the American Bar Association?

(a) If "yes", what are some of the advantages?

(b) If "yes", does this membership entitle you to participation in the affairs of the society?

(c) If "yes", is your participation limited or full?

(d) If not, what are some of the limitations?

(e) If you do not hold membership in the American Bar Association, what disadvantages do you suffer because you do not?

7. Do you hold membership in the Louisiana Bar Association?

(a) If "yes", what are some of the advantages?

(b) If "yes", does this membership entitle you to participation in the affairs of the society?

(c) If "yes", is your participation limited or full?

(d) If not, what are some of the limitations?

(e) If you do not hold membership in the Louisiana Bar Association, what disadvantages do you suffer because you do not?

8. Do you hold membership in the New Orleans Bar Association?

(a) If "yes", what are some of the advantages?

(b) If "yes", does this membership entitle you to participation in the affairs of the society?

(c) If "yes", is your participation limited or full?

(d) If not, what are some of the limitations?

(e) If you do not hold membership in the New Orleans Bar Association, what disadvantages do you suffer because you do not?

9. Do you hold membership in the Martinet Society?

(a) If "yes", what are some of the advantages?

(b) If "yes", does this membership entitle you to participation in the affairs of the society?

(c) If "yes", is your participation limited or full?

(d) If not, what are some of the limitations?

(e) If you do not hold membership in the Martinet Society, what disadvantages do you suffer because you do not?

10. Is there a relationship between the Louisiana Bar Association and the Martinet Society? (Explain fully)

11. Are there any other professional societies in which you hold membership because of your status as "lawyer"? Please name them and the extent of your participation.

12. Do you have a particular speciality or preference for particular cases: civil, criminal or political?

13. Would you tell me what types of cases you handled during the past year?

14. What are the "special" courts in which you are qualified to practice?

15. What is the nature of your practice insofar as the racial identity of your clients are concerned?

(a) Is it exclusively confined to Negroes?

(b) If not, what other racial or cultural groups?

(c) If you have had white clients, why do you think you were chosen in preference to some white lawyer?

16. What do you think is the general feeling among Negroes about Negro attorneys?

17. It appears that many leading Negro businesses prefer to retain white lawyers on law firms as their legal counsels. How do you account for this?

18. One of the roles of the lawyer is that of legal defender. Will you tell me about some of your most significant experiences.

(a) In the courtroom

(b) Cases settled outside of the courtroom

19. Do you ever have occasion to come in contact informally with white lawyers, judges, and other court officials?
- (a) If "yes", will you please explain the nature and purpose of these contacts.
- (b) If "no", why not?
20. I am sure that you have occasion to come in contact formally with white lawyers, judges, and other court officials. Will you please explain the nature and purpose of these contacts?
21. Have you ever tried a case before a racially "mixed" jury?
- (a) If "yes", what was the attitude of the jurors toward you?
22. In the process of your cross-examinations, have you ever had the opportunity of cross-examining official white witnesses (policemen, finger-print experts, etc.). Will you tell me something about the experiences which you have had in that connection?
23. Suppose you were white, with your present social, cultural and academic background, what do you think would be your possibilities of success in the field of law at the present time?

24. As a Negro, do you think that it is possible for you to achieve that measure of success? (Or the level of success possible for the white "lawyer"?)

(a) If "yes", please explain how this might be done.

(b) If "no", please explain why you feel that it is not likely.

25. When it comes to legal procedure, is there any advantage or disadvantage in:

(a) A Negro client having a Negro lawyer

(b) A white client having a Negro lawyer

(c) When the plaintiff and defendant are of different races.
(This is the situation which would likely pit the Negro lawyer against the white lawyer.)

26. Do you know of any examples of the type cases described above? If so, please describe the outcome.

27. May be you have not thought about this, but how would you compare the professional effectiveness of the average Negro lawyer with the average white lawyer?

28. In summary, please tell me in some detail, what you regard as the primary advantages and disadvantages of the Negro lawyer in New Orleans today.

**INTERVIEW SCHEDULE
FOR
WHITE LAWYERS, COURT OFFICIALS,
AND DEANS OF LAW SCHOOLS**

1. How would you compare the formal preparation of Negro lawyers with the white lawyers you know?
 2. How would you compare their professional competence with white lawyers?
 3. Do you feel that the Negro lawyer is in any way disadvantaged before the courts as a representative of Negro clients -- White clients?
 4. What are some of the reasons why Negro lawyers are not generally engaged by white clients?
 5. Negro lawyers have at best only limited membership in the Louisiana Bar Association. Why is this so?
 6. To what extent are they disadvantaged because of this lack of full participation in the Louisiana Bar Association?
- (PRACTICING LAWYERS ONLY)
7. What proportion of your clients are Negroes?
 8. If so, why do you feel they chose you rather than a Negro lawyer?
 9. Do you have occasions to meet and talk with Negro lawyers personally?
 10. Do Negro lawyers ever seek you out for professional advice?

Candidate: **VITA**

Major Field: **The author was born on May 12, 1936 in New Orleans,**

Louisiana. She received her elementary and high school training in Orleans Parish and completed high school at Joseph S. Clark in 1953. The author then enrolled at Dillard University in September 1953, where she majored in sociology and minored in political science. She received a Bachelor of Arts degree in May 1957.

In September of 1957, the writer was employed as an Instructional Assistant in the Social Sciences at Dillard University. The writer, since September 1958, has been engaged in graduate study at Louisiana State University. She is presently a candidate for the degree of Master of Arts.

Date of Examination:

February 3, 1960


EXAMINATION AND THESIS REPORT


Candidate: **Barbara M. Guillory**

Major Field: **Sociology**

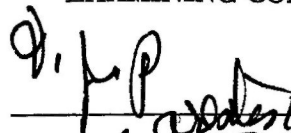
Title of Thesis: **The Career Patterns of Negro Lawyers in New Orleans**

Approved:


Major Professor and Chairman

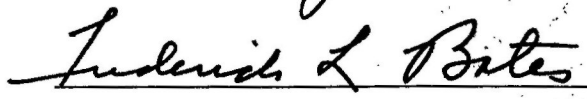

Act. Dean of the Graduate School

EXAMINING COMMITTEE:


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A. J. Jokinen


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Luderich L. Bates

Date of Examination:

February 3, 1960