

THE ALARMING SHORTAGE OF NEGRO LAW STUDENTS

Speech of

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I should have thought after my two speeches at the National Bar Association meeting last year in New Orleans that the N. B. A. would have had its fill of hearing me talk. When President Ortigue asked me to speak to you on the alarmingly small number of Negroes enrolled in law school, I surmised he had three good reasons: (1) That the social hour last night would be long in time, liquid refreshments and enjoyment (the refreshments being necessary for the enjoyment). (2) As a result of number one, he thought many of you would oversleep and in order to relieve any pangs of conscience you might have for missing today's session, he scheduled me to talk since you would not be missing anything by missing me. And (3) for those of you whose sense of professional responsibility would compel you to attend today's session, you could during my speech easily and naturally catch up on any sleep you had lost last night. I know my performance today will not disprove his second reason, but I do ask of you who fall in the third reason not to snore too loudly.

It is my weakness that although I am a weak speaker, I never fail to yield to the temp-vitation to speak. However, I modestly and proudly affirm that I have the good sense and character not to brag about my weakness. I've never had much sympathy for conceited braggarts because they carry their comfort about with them. Furthermore, a man wrapped up in his own talk makes a pretty small, though loud, package. Nevertheless, remember when I say "everybody says so," it means I say so.

I believe it was about a year ago yesterday when Dean Ferguson of Howard University Law School gave a speech entitled "The Negro in

Law School," which began with the following sentence: "The most significant fact about the Negro in law school is the Negro not in law school." That statement is as true today as it was last year. He stated then that Negroes constituted about one per cent of law school enrollment with Howard's enrollment constituting thirty per cent of the one per cent. If his figures are accurate, then the other five predominantly Negro Law Schools had nearly eighteen per cent, with Texas Southern's Law School enrollment constituting five and one-half per cent of the one per cent.

President Groves in his somewhat unfortunate and misrepresented Minority Study report places the percentage of Negroes in law school at 1.3 per cent. Even if we accepted Groves' figures and percentages as more accurate, we still are dealing with a mighty small representation of Negroes in law school.

The highest estimate of Negro lawyers, percentagewise, mirrors law school enrollment. Professor Jerome Shuman, Director of Howard University's Study Project of the Economic Status of American Negro Lawyers, has determined that no more than 1.3 per cent of American lawyers are Negro. This is indeed an alarming statistic.

If we look at the statistics in the South, they become even more alarming. Take for example Texas' which I know most about. Of the 3,776 students attending our seven law schools, only one per cent are Negroes. Eighty-nine per cent of that one per cent are attending Texas Southern University's Law School. Furthermore, Texas Negro lawyers barely constitute one half of one per cent of Texas lawyers.



We have produced no less than two-thirds of the Negro lawyers admitted to the Texas bar in the last fifteen years. Seventy-five per cent of the lawyers in Houston were trained at our Law School. So, although we are small, we have produced substantially all of the Negro lawyers in Texas.

There are no more than five Negro lawyers out of about 2,400 in Mississippi. There are forty-odd Negro lawyers in Virginia. And if a recent Time Magazine Essay (April 15, 1966) is correct, North Carolina has the largest number of Negro lawyers in the South with 125, which is one Negro lawyer for every 12,000 Negroes. (A 1965 American Bar Foundation report says that there is "roughly one lawyer for every 650 persons in the general population.") No doubt, North Carolina has its relatively large Negro lawyer population because it has had a predominantly Negro law school since the late 1930's.

Louisiana has thirty or forty Negro lawyers with practically all of them graduating from Southern University. Florida has about the same number with most of them graduating from Florida A. & M. In short, there is an alarmingly small number of Negro lawyers in the South. Perhaps, with the exceptions of Georgia and Virginia, where there is a meaningful number of Negro lawyers in the South, it is because there has been a predominantly Negro law school in that state. And in the case of Virginia, Howard University, across the Potomac, is responsible for the relatively large number of Negro lawyers there.

Unquestionably, we have established the small number of Negro law students and lawyers. Why do we say it is alarming? There are at least three reasons.

One, our society is based upon law and order, and lawyers symbolize and promote law and order. Two, as Greenberg said in RACE RELATIONS AND AMERICAN LAW (1959), "The Negro Lawyer handles 99 per cent of the Southern antidiscrimination litigation, and most of it in the North..." And three, Negro lawyers play important roles in legislative enactment campaigns and they provide community leadership.

The three reasons why it is alarming that there are so few Negro law students, and thus Negro lawyers, are closely interrelated. Therefore, I will discuss them together and briefly.

The Time Essay already referred to was entitled "Breaching the White Wall of Southern Justice." After citing the enormous strides the Southern Negro has made in schooling, public accommodations, and above all voting, it continued, "Ironically, it is in the field of law and administration of justice that he is most frequently foiled... To the Southern Negro, it still seems that the whole system of law winks at nearly every lawless scheme to cow him and keep him from his rights ... From bottom to top, Southern justice is white." This lamentable situation can only be corrected by breaking the wall of discrimination in Southern justice, especially the appointment of Negro lawyers as judges and other public officials, and by providing a sufficient number of capable Negro lawyers to accept the appointments.

What is so alarming is that even if the wall of discrimination crumbled today, we would find some difficulty in massing enough troops to man the legal forts in representative numbers. Even in Houston, in spite of forty Negro lawyers, we anticipate some difficulty in finding enough experienced and practicing Negro lawyers to fill the many legal positions that our Legal Services War on Poverty Project



will create. You see, many of our attorneys already have very lucrative practices and their family obligations are such that it would be a burdensome sacrifice for them to abandon their practices. Furthermore, we do not have a single bona fide Negro law firm which would allow a member to take a, so-to-speak, sabbatical and return a year or so later with his private practice reasonably still intact. Yet we can supply more troops than most communities in the South.

The discriminatory administration of justice referred to in the Time Essay makes it even more important that we have a larger number of Negro lawyers who can create and reinforce respect for law and order within the Negro population. In many communities in the South, Negroes have good reasons to distrust the administration of justice.

Most of the legal battles have been won in terms of constitutional rights and protective Federal Civil Rights legislation. The implementation and enforcement of those rights will still require, for some years to come, attorneys, committed to human dignity and the equal protection of the law, to litigate those rights in the courts. There have been a few brave white attorneys who have handled these cases, but for the most part Negro attorneys will continue to bear the major responsibility for handling them.

And the importance of responsible legally trained leadership in the Negro community cannot be overemphasized. We must solve the problems that divide men and groups within the framework of law and order. The abuses referred to in the Time Essay compound the difficulties in this area. We must not forget that the Civil Rights Revolution started in the courts, and as we approach our rightful place in society, we must not turn our backs on the institution which is the foundation of our society.

I have stated the shortage and the three reasons why it is alarming. What must be done to correct this shortage of Negro law students and lawyers?

First, we must strengthen and support the predominantly Negro law schools in the country which have been the major sources of Negro attorneys in the South.

Second, we must start a nationwide recruitment and scholarship program to attract more Negroes to the law. The recruitment program can be carried out a number of ways.

For some of the reasons already stated, young Negroes are not attracted to the study of law. By improving our own image and example, we will attract more Negroes to law. We must participate more in community and civic affairs. It is the unfair burden of being a Negro lawyer that the misconduct of one of us is ascribed to all of us. On the whole, our conduct, professional competence and civic dedication are as good as our white colleagues', but the brainwashing of our society has caused many Negroes to quickly and unfairly judge our worth.

I am talking here about the white-makes-right, black-makes-wrong syndrome. It is remarkable that many Negroes do not support and respect Negro lawyers more. Ninety-nine per cent of antidiscrimination litigation in the South was handled by Negro attorneys, yet some question our competence and effectiveness. If we have successfully handled civil rights litigation, what is it in part of the Negro community which makes it think we can not handle other legal affairs?

This inferiority complex must be exposed and corrected. Some of it rubs off on predominantly Negro educational institutions in the form of the presumption that none of them is as good as any predominantly



white school. This is a monstrous and self-defeating myth. McGrath, in THE PREDOMINANTLY NEGRO COLLEGES AND UNIVERSITIES IN TRANSITION (1965) states,

...on any measure of faculty competence, library facilities, salaries, physical equipment, and a host of other characteristics, the predominantly Negro institutions run the entire gamut from the highest to the lowest. When compared with the predominantly white colleges they can be matched institution by institution.

In other words, every predominantly Negro college or university is as good as a number of white colleges or universities. We must stop belittling the quality of predominantly Negro institutions and, therefore, Negro professionals. We should make clear to the Negro communities our many achievements not only in civil rights, but also in other community and civic affairs.

Third, we must apprise young Negroes of the economic and community service rewards that only lawyers can, in many instances, achieve. I cannot fill all of the employment requests I receive from government and industry because we do not have enough graduates. There are many communities throughout Texas and the South crying for Negro attorneys. The supply is not large enough to meet the demand.

Only the lawyer can be a judge or public prosecutor. Legal training peculiarly prepares one for service in the legislative halls throughout our nation. Lawyers are trained in problem solving, which commends them to industry and even non-legal public service. The lawyer is the only remaining professional generalist. Notwithstanding the flood tide of specialization, the lawyers' skills in marshalling and organizing facts, in logical and analytical thought, and in their commitment and dedication to the traditional values of life, liberty, and property, make them ideal persons for many business, public and private roles.

The shortage of Negro law students and lawyers is alarming. The



National Bar Association can do something about it. I should like to suggest that we dedicate ourselves in energy, thought, time and resources to correcting the shortage. We should offer our cooperation, know-how and experience to any person, group, foundation or governmental agency which is sincerely interested in correcting this problem.

Thank you for the opportunity for assisting you in keeping your consciences clear and catching up on your sleep.