

Speech

by

HON. EARL WARREN

Chief Justice of the United States, Retired

at a

Dinner to Mark the Launching

of the

Earl Warren Legal Training Program, Inc.

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Mr. Wriston, distinguished ladies and gentlemen, you give me altogether too much honor and too much credit for the things that transpired during my years as Chief Justice of the United States. One who knows of the work of the Court knows that the Chief Justice is but one of nine men and that in all events, it takes at least five men to render a decision of that Court. And normally they are as independent minds as one can find in any line of endeavor in our nation. And it isn't a question of the nomination of one man. It isn't a question of one man having any control of any kind. It is a question of reconciliations of ideas, devotion to principles and to duty that brings men together. And for whatever credit the Court is entitled to during the years that I was there, we must attribute it to those things and not to the dominance of any one man.

But having said that, I want you to know that I am excited by everything that happens this evening. I hope you won't think that I'm like the Senator from Missouri that they tell about one time. He was introduced at a campaign meeting in this manner. The chairman said, "I introduce to you Senator So and So. He is the greatest Senator that this state ever had, the greatest Senator we have now and the greatest Senator we ever will have." So the Senator rose and then in a very pompous way he said, "Mr. Chairman, you do me but simple justice."

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You know, it's not only seeing all of you here in this great cause that warms my heart, but even a look at this program to see the number of men and the character of the men who are on the Advisory Council of this new legal training program should really warm the heart of anyone.

And then as I see this prestigious dinner committee that is here, I am just sure that it cannot fail. And so I want to say to you that the occasion affords me great satisfaction. I feel greatly honored to have my name associated with this legal training program, a natural outgrowth as it is to the NAACP Legal Defense and Educational Fund, Incorporated, which has done so much in recent years to make meaningful throughout the land the mandates of the Fourteenth Amendment to the effect that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

Now no organization in America has done so much, particularly where these mandates are applicable to the people, black people, of the nation. And it must be remembered that in the long sweep of history, under our institutions, the preservation of the rights of any group of citizens or even of any

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individual, no matter how necessitous or how humble he might be, eventually redounds to the benefit of all of us.

This would have been a different nation today, one without hope for the colored minorities, had it not been for the giant efforts of the National Association for The Advancement of Colored People and the Legal Defense Fund which have carried the burden of protecting minority rights for so many years; reviled in some quarters, persecuted in others and ignored in still others. They have not flinched in their dedication to the vaunted symbol of our institutions as it is emblazoned across the entrance to the Supreme Court of the United States, "Equal Justice Under Law."

In almost every case that involved the rights of black people they stood at the podium in the Supreme Court, the last bastion of human rights in America, and fought to a successful conclusion litigation that had either never been initiated before or had long since been abandoned because of a lack of finances or the availability of black lawyers to assume the burden where white lawyers would not risk their social standing by doing so.

It might be well to recall that in the first third of this century we were rushing toward apartheid in many states of the union. A British observer who had traveled in both South Africa and our southern states, wrote that black-white relations in both were very similar and would remain so.

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Well, there was some relaxation in the nineteen forties. At the time of Brown v. Board of Education in 1954, segregation was still the hallmark of the southern states. In practically all of them, the blacks were segregated to the point of oppression. They were obliged to enter public buildings through different doors and be seated separately, and of course in the worst part of the building. They were forced to use separate waiting rooms, rest rooms, drinking fountains, parks, beaches and playgrounds. It was unlawful to engage in athletics with or against white people. They could not eat in the same restaurant, sleep in the same hotel, be treated in the same hospital or even lie in the same cemetery. And of equal importance, they could not participate in government.

The black faculties in black colleges and universities were rejected from the voting rolls on the ground that they could not understand and interpret the Constitution of the United States, while all of the illiterate whites registered and voted without challenge.

Since that time much progress has been made in most of these fields, due largely to the activities of the Defense Fund. And it has done with a minimum of manpower and money. In 1954, at the time of the Brown decision, there were only 248 black members of the bar in the entire South. In the State of Mississippi, there was only one. As late as 1968,

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Mr. William Gossett, President elect of the American Bar Association, in a public address pointed out that in the South and Southwest there are now only 350 black lawyers to serve a black population of 13 million. In other words, one black lawyer for every 37,000 black Americans.

And as Bill Coleman told you a little while ago, there are only 370 now, only 20 more than there were in 1968. Now some of these 350 lawyers, as he also told you, were employed by the Federal Government or were in other programs or not practicing at all because of the inhibitions they found in their communities, further reducing the number available for the private practice of law.

Now this is not ancient history. It reports conditions of only four years ago. And they have not greatly changed to date. Neither have race relations changed sufficiently to lead us to believe that we will soon have full meaning given to the words I have quoted from the Fourteenth Amendment. In fact, there is evidence and some strong evidence that we may be approaching another period of retrogression. The mere words of the Constitution are meaningless for the weaker segments of society unless there are lawyers who will fight for them in courtrooms and judges who will breathe life into them. Otherwise they are sterile, only papier mache rights subject to being crumbled at will.

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There are too many countries in the world today where constitutions are thus treated under military juntas and other authoritarian regimes. Most of such countries came to that condition, not by invasion from without, but by erosion within. No nation, including our own, is safe from such erosion.

The process of protecting these rights is an undulating one, with waves of elevation and depression depending on the alertness of the public to the necessity for their preservation. 350 lawyers for a group of 13 million people; think of it. It should be at least ten times their number. And it is such a number that this fund is designed to produce for the nation in the next few years. I should add that 1,500 lawyers are not being recruited just to defend black people accused of crime. They are as badly needed to protect the black community from the frauds that are practiced upon them out of all proportion to those in the white world.

And also, if black people are to live with self respect, they must share in the opportunities of American life with all others. To do this, they must have legal and financial services as do white people in arranging their business and personal affairs.

My reading of the prospectus for this program convinces me that it is designed to and can successfully serve all of these purposes. If it does, it will accomplish much toward the solution of our race relations problems. It will assure

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fair confrontation in courtrooms instead of riotous altercations in the streets. It will add dignity to the law as well as to that of all people participating in its procedures.

There are courtrooms in this country where black people and other minority groups are treated without any dignity whatsoever. There are still some courtrooms where segregation exists or at least there were when I retired from the Supreme Court less than three years ago. There are others where every conceivable device is used to prevent blacks from sitting on jury panels where their most basic rights are involved. And there are others where black witnesses are called Mary, Jane, John, Charlie or even "Boy", contrary to the manner of addressing white witnesses. Justice cannot be served in an atmosphere of that kind. It represents second class citizenship at its worst. If people are not treated with dignity by judges, lawyers and attaches in the courtroom, they can never expect justice.

Human dignity is something our minority groups of color, particularly Negroes, have long been deprived of. It is the one thing that they long for more than most others. It is the important thing they must be accorded if we are to have tranquil race relations. If this is freely vouchsafed to them, many of the other facets of the problem will almost automatically fall into place. If it is not done, there is only one other result possible. And that is chaos.

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It is because I believe this program will dignify the rights of minority groups, not just the blacks, but the American Indians, the Chicanos, the Asiatics, and other disadvantaged poor people that I am proud, most proud to have my name associated with it. And I wish you every success.