

College honors Charles Houston '15

JUSTICE Thurgood Marshall of the United States Supreme Court appeared on campus April 6 to honor a 1915 graduate of the College, Charles Hamilton Houston, who has been called the legal architect of the civil rights movement.

As legal counsel for the NAACP, Houston worked closely with Marshall and others to develop the strategy that led to Supreme Court rulings against segregation. Houston died in 1950, four years before the landmark decision against school segregation.

Marshall delivered an address, "Homage to Charles H. Houston," before an audience of about 1,000 people in the New Gymnasium. Before the Justice spoke, President Ward announced that Amherst will sponsor an annual "Forum on Law and Social Justice" in Houston's honor.

As part of the Houston Forum, the College will commission four major papers every year on the theme of a contemporary problem central to the relationships between the law and a just society. It will also bring the authors to the campus for a few days to present and discuss their papers, and to honor a person whose life and ac-

tivities best exemplify the spirit of Charles H. Houston.

Announcement of the program was also the occasion for unveiling a new portrait of Houston, painted by Richard Yarde, which will hang in the Robert Frost Library. Two members of Houston's family were present for the occasion: his son, Charles H. Houston, Jr., and a nephew, Michael Orton.

"Amherst has had a long and continuing and distinguished tradition of black graduates," President Ward said. "Yet, great as it is, there is no program, no professorship, no building named after any black graduate to continue their presence among us. Tonight marks the first of a number of plans the College has to realize at the College fitting memorials to black graduates in whom we take so much pride."

He said the ambition of the Houston Forum "is large. We mean to create here at Amherst College an annual event to which all who care for a just society will turn their eyes and minds and hearts, and in so doing remember the man who was the chief architect of the successful legal battle to gain equal

rights before the law for all American citizens: Charles Hamilton Houston."

Following are excerpts from Justice Marshall's tribute to Houston:

I'M NOT ONE to believe in looking back. I believe in looking forward. And we have to look at Charlie Houston because he looked forward. Even today, many people interested in justice or just plain decency, in sitting down and talking equal with equal, invariably will hear someone say, "I wonder what Charlie would do?" Over against that, you have a large number of people who never heard of Charlie Houston; and I don't know if they ever want to hear about him. But you're going to hear about him, because he left for us such important items. Just one little minor item:

When Brown against the Board of Education was being argued in the Supreme Court, the entire courtroom was allotted and assigned out — every seat taken. There were some two dozen lawyers on the side of the Negroes fighting for their schools. Some of us looked around, and of those 30 lawyers, at least, we very carefully went from one to another and there were only two who hadn't been touched by Charlie Houston.

It is little minor things like that that are so important, the fact that that man was the engineer of all of it. Whatever's done 10 years from now in the courts for justice and decency for American citizens, you bring it to me and I'll be able to point out what Charlie Houston said about it back in the '30s.

A man of vision. A big man. Strong. He loved people. If he came to visit you, when he got back to Washington you got a letter thanking you and asking "How are you doing," and your wife — calling her by name; and your children, calling them by name; and your dog, calling him by name — because he loved life. And he loved people.

CHARLIE SPOKE for a whole lot of Negroes that day and for a whole lot of other people. And around 1929 he took over the Howard Law School. I



Justice Marshall with President Ward



Yarde's Houston portrait

think too much of my alma mater to call it the names people called it. But one of the nicest names was "Dummies' Retreat." That was one of the nicest names. It was not accredited. The entire faculty was part-time, including the dean. Charlie took it over as a vice dean, and in two years he raised it from "Dummies' Retreat" to a fully accredited law school, accredited by every accrediting agency in the country. He did it in two years, and he did it the hard way. He put in a system that didn't last but one year, I'm glad to say. It was called the "cutback system," which gave every faculty member the right to deduct from your passing grade five points for no reason at all, just because you didn't shape up. Well, he gave that up. I'm glad to say.

But the things he put on us were just unbelievable. He started off by telling us what he learned in Harvard: that was, he took the whole freshmen class and said, "Every man here look at the man on your left. Now look at the man on your right. This time next year, two of you won't be here." Well, you stopped to think. If he said *one* of you, the odds wouldn't be so bad; but two out of three, that's murder! Then he would say, "I'll never be satisfied until

I go to one of the dances up on the hill on the campus and see everybody having fun with all my law school students sitting around the sides reading law books." He said, "Then I'll be happy, and not before." He said, "The only thing I love is to flunk valedictorians and smart people. It doesn't do me any good to flunk dumb people, because dumbs are dumbs and it doesn't mean anything." He rightfully earned such beautiful phrases that we lovingly called him: "Cement Drawers," "Iron Pants," and a few other nice names.

I remember distinctly one exam, and I remember the subject. It was Evidence. That's just one subject. The exam started at nine o'clock in the morning and ended at five in the afternoon, with 45 minutes out for lunch. For *one subject*! Of my original entering class, six graduated. The luck of the draw.

What did he do to bring us up? He got rid of the part-time faculty. He kept the good ones, and he dropped the others. He brought in visiting professors. Some people were from the smaller schools, like Dean Roscoe Pound of Harvard. Then he brought in practicing lawyers — like Clarence Darrow, Arthur Goffrey Laze, you name them. And they taught us how the law was practiced, not how it read. Because you see, in those days Harvard, Yale, Columbia — you name them, the big law schools — were bragging that they didn't train lawyers, they trained clerks to start off in big Wall Street law firms. Charlie Houston was training lawyers to go out and go in the courts and fight and die for their people.

He had courses that never had been heard of before, and he trained and he went for perfection. He would tell us in class, in groups, privately down in the basement, privately in the library, publicly when he would break up a poker or crap game, he would tell us, "Men, you've got to be social engineers. We've got to turn this whole thing around. And the black man has got to do it; nobody's going to do it for you. The difference between the law and other professions, like medicine, is the doctors bury their mistakes, but the lawyers' mistakes are made public. You've got to go out and compete with

the other man, and you've got to be better than he is. You might never get what you deserve, but you've certainly *not* get what you *don't* deserve."

Things like that that you remember, practicing law, as long as you practice, if you had Charlie to teach you. You remember him saying, "Lose your head and lose your case." Is there anything better than that to keep in mind when you have an argument?

CHARLIE TOLD US in the beginning, "Get your law and get it straight. Get your research and dig deeper. When you plan, plan twice. When you map out your case, take not the two possibilities, but assume two others. You've got to do better than the other man. Nothing can we get from the executive side of government, nothing can we get from the legislative side. If we're going to get our rights, we're going to get it when the court moves. The court can't do it all, but the court can move it on. Without court action in the meantime, we're dead pigeons." He reminded us of the time, for example, when Negroes were constantly crying at the doorstep of every president and got nothing. The nearest the Negro had ever gotten was during the Hoover administration when Hoover accidentally — or, I don't know how — invited Negroes to the Rose Garden and looked at them. The Republican Negro leaders said — and it came down in history as a cry — "Speak, Mr. President, speak!" and he didn't even say "Howdy do."

We got the same nothing in Congress. We couldn't even get an anti-lynching bill through. We couldn't get anything through. Charlie said, "Let's go up into the law library. Let's dig out the books. Let's find a way in the court. And find a way out."

I only know one other man like him. He happens not to be a Negro. He's a very big white lawyer in Beverly Hills, a very good friend of mine. And in his law firm whenever anybody says "Hey, wait a minute, there's no law on our side," that guy will always say just

what Charlie always said: "There's no law on our side? Let's *make* some."

And that's what Charlie set out to do. He got together Negro lawyers from one end of this country to the other. He went down into the deepest South and managed to get out.

CHARLIE HOUSTON made his contribution. Indeed, Charlie fought one famous criminal case, George Crawford, Leesburg, Va., for four years. All the way up in Boston, Massachusetts, trying to fight his extradition. All the way down to Leesburg. He tried it down there, and he saved that man's life.

I can name others, many others. I can name the early primary cases where he got the Negroes the right to vote in Texas. Or the grandfather clause cases where he got the Negroes the right to vote in Oklahoma and Maryland, and Louisiana and many other states if I had time. You can name all of this he did while running a law school. In '35 he left and went to New York, and went to work in the NAACP in the legal department — with a beautiful, huge budget of less than \$5,000, all the expenses available to the legal department including him, a secretary, travel, court costs, bread and butter, you name it.

You realize that today that same budget is three million dollars, and you can see what he started.

He said there should be a Negro lawyers' contribution because Negro lawyers had been laughed at and he didn't like it. He wanted them to make their own contribution. And he built up this cadre of lawyers all over the country, coast to coast, north and south.

I don't know. I can tell you this: you can not yet, as I have said before, name anything he didn't get involved in. He *did his job in the city*, and then he left the NAACP and went back to Washington around 1940. You know why? He went back to his father's law firm because he said the way we were going — Bill Hastie, me, and the rest of us — we eventually were going to get thrown out of everything so we had better find some place we could get back to to make a buck. And he said, "I'll do it." And he did. Then he worked harder than he did before. And he didn't even make the \$5,000 then. He didn't even have that.

I would say, as this forum develops over the years, you'll find more and more. For example, right now, if you had a forum on the Bakke case or something like that, you could develop what Charlie thought about it. We discussed that, too. You think of asking, "What would he have done?" I'll tell you. You could ask him, I'm sure, "Have we come all the way?" And he'd answer, "No." Near? "No."

Negroes in this country, every time someone says, "Aren't you better off?" the answer is, "Better off than *what*? Compared to *what*?" Of course the poorest, illiterate Negro in Mississippi is better off than the black in South Africa. But is he better off than the white in New York? Sure, the Negroes are better off than they were in the '30s. So is everyone else. And the gap is getting larger.

I would pass on to you what he passed on to us: This government of ours, we call it a democracy. Indeed it is. I have said over and over again, and I repeat again tonight, that the government of a democracy is not the law as it is written, it's not the law as it's spoken. It's something to drive toward. It's something you hope to get to, and I submit it's a very simple idea. It is this: that the child born to the poorest, blackest, Negro sharecropper in Mississippi, merely by being born and drawing its first breath in a democracy, is — by that, and without more — endowed with the exact same rights as Rockefeller's children.

Of course, that's not true. Of course, it will never be true. But I doubt that anybody can deny that that's the goal we should get as close to as we can.

That's the type of thing Charlie was talking about. Charlie didn't ask for this. He only insisted in getting what the Negro was entitled to, what the Negro had been denied so many years. I keep hearing the stories about why shouldn't we have had this, why shouldn't we have done that. We wouldn't have been any place if Charlie hadn't laid the groundwork for it, because whatever you do, you do it legally or it won't last; and if you do it legally, Charlie Houston made it possible for you to do it legally.

That is what I think what Charlie Houston means to all of us and I am so

glad that this school is recognizing that. Charlie, in talking to us — those we hope were close to him — would talk about certain things with a certain feeling. One was here, one was the Army, one was Harvard, and of course the other one was Howard.

He was a great man. No, he wasn't a great Negro. He was a great American. If he had lived, we would have known more about him, but since he didn't, what more can we do than to push ahead where he told us to go. He told me, I'm telling you, and these forums one behind the other will tell those to come behind us, "Let it go forward." As he would say, "Don't look back. It ain't worth it. And there's something back there that you'd sure like to forget."

So let's look forward, and let's see. Maybe we can do it. Maybe we can make the day come. An old Pullman porter used to tell me that he'd been in every city of the country, and he'd always hoped that one day he would get someplace in the United States where he didn't have to put his hand up in front of his face to find out he was a Negro. □

THE KIRBY THEATER Costume Collection at Amherst needs up-dating. The Costume Department is looking for "new" additions to its collection of clothing and accessories to be used in productions. You may think the old things hanging in your closet or stored in your attic are "old hat." Send them to us and they become costumes, no matter what their age or condition. Bring something with you if you are planning to visit the campus. Remember us when you are cleaning house or moving. We'll be happy to receive any item of clothing or accessory — man's or woman's, old or new, little or much worn, dressy or sporty, and from any decade — the Forties, Fifties, and Sixties particularly. And remember, it's a tax deductible contribution. Please bring or send your contribution to Frances C. Nichols, Kirby Theater, Amherst College. (Tel. (413) 542-2277.)

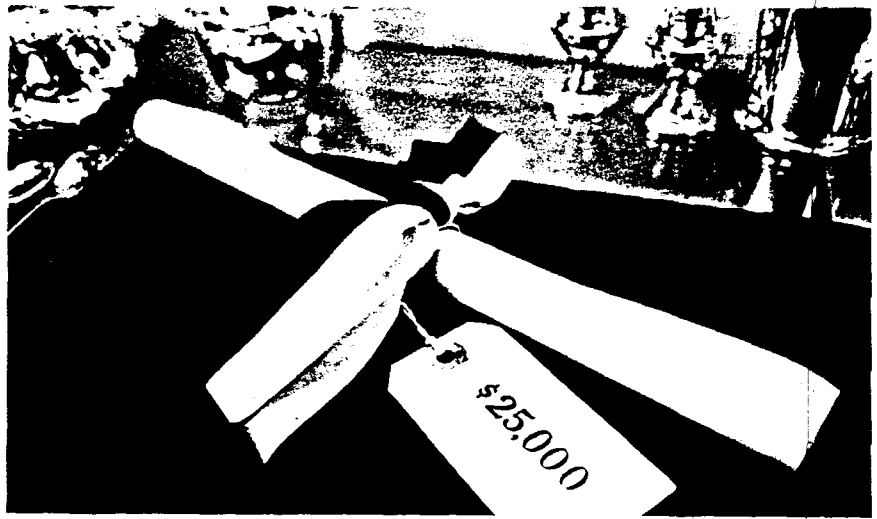
(Costs, from page 3)

to be expensive. Thus, to say it is relatively not much more expensive today may still be to admit that, for many people, it is still expensive indeed. At that point, however, the individual family's decision whether to send its son or daughter to Amherst may rest on that family's estimate of the value of the education its child will receive — or, as President Ward puts it, "on the family's willingness to pay, rather than its ability."

Certainly a family's decision may be based on economic considerations, too; but control of the factors that contribute to those considerations is, in many ways, out of the College's hands. In fact, in a study conducted recently by the Dartmouth College Financial Aid Office and released to the Consortium on Financing Higher Education, of which Amherst College is a member, it was found that "an undergraduate education does not take a greater share of the income of an upper-middle-income family today than it did a decade ago." (For the purposes of the study, "upper middle income" was defined as \$30,000 in 1974). Other, non-college costs, including taxes, may or may not be taking a larger proportion of such family's income now than before — and such other costs may certainly be among the economic considerations facing families with sons and daughters at colleges like Amherst. But it would be inaccurate and unfair to blame the difficulty of meeting college costs on the colleges.

FOR WHATEVER political, social or other reasons, several members of Congress have been pushing recently for some form of tuition aid to families of college students through the passage of a tuition tax credit. The proposals are too numerous to discuss here, and by the time this is being read Congress may already have acted on one of them. But President Ward and others at Amherst have noted that even the most generous of the proposals, calling for an eventual \$500 tax credit, would not in itself attract students to Amherst. The efforts of the College, then, are focusing on what it can continue to do in its own financial aid program.

"The whole notion of providing aid," Mr. Ward says, "is based originally on the Protestant doctrine of



stewardship. It has a moral dimension. It is not our job to turn Amherst College into a microcosm of society, but it is our educational desire to keep as much diversity as possible." In other words, financial aid works two ways, aiding individual students who, by their presence, in turn contribute to the College. "There would be a risk, otherwise, in having a bi-polar community," Ward continues. "We need a mix of students. Without that, the College would be diminished."

FIVE YEARS AGO, Dr. Richard R. Spies, associate provost at Princeton University and Amherst '67, concluded in a study published by Princeton that, all other things considered, rising college costs are not the decisive factor in a student's decision to attend a private college. In a second such study, soon to be published by the College Board, a similar conclusion is reached: "Educational considerations broadly defined, particularly the selectivity of the school and the academic ability of the student, are by far the most important determinants of college choice."

The conclusion is significant, for it comes at a time when the value of higher education, regardless of its costs, is being questioned by many economists and educators. According to Harvard's Richard Freeman, in *The Overeducated American* (Academic Press, 1976), during the 1970s, "for the first time in recent history, the economic value of an investment in college education fell, though with considerable variation among professions and groups."

On the other hand, in the recently published *Investment in Learning: The*

Individual and Social Value of American Higher Education (Jossey/Bass, 1977) Claremont (Calif.) Graduate School Economics Professor Howard R. Bowen disagrees, while further arguing that, "Over and above the monetary returns [of college] are the personal development and life enrichment of millions of people, the preservation of the cultural heritage, the advancement of knowledge and the arts, a major contribution to national prestige and power, and the direct satisfactions derived from college attendance and from living in a society where knowledge and the arts flourish."

This is where the real debate about college and its costs must be waged — and it is a debate that such a college as Amherst seems in a unique position to contribute to, for Amherst is a college that has long been known for values other than the calculation of economic return on the comprehensive fee — a fee which is, by the way, around \$1,000 lower than at Harvard-Radcliffe. As President Ward has told students, college "is not about jobs. It is not about getting you into law school. It is not about increasing your income. It is not about assuring your social status. It is about self-consciousness, about the judgment and valuation of things, the capacity to appreciate the worth of one thing from another." □