

Denver Law Review

Volume 46
Issue 1 *Symposium - Riots and the Law*

Article 2

April 2021

Introduction

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Recommended Citation

Charles M. McGee, Introduction, 46 Denv. L.J. 1 (1969).

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DENVER LAW JOURNAL

VOLUME 46

WINTER 1969

NUMBER 1

SYMPOSIUM ON RIOTS AND THE LAW

INTRODUCTION

THERE are many voices which should be heard when a riot threatens a large city. Several groups have a special interest, for each is faced with some portent of disaster. Such groups include the militants, the military, insurance companies, the courts, the police, and ghetto residents themselves.

Attorneys, including law students, are no different. The type and quality of services they provide genuinely contribute to the stability of a riot-threatened community. Conversely, when certain citizens of a community expect, but do not receive, adequate legal representation, their situation is made even more intolerable and their added disconsolation may hasten civil disobedience.

This Symposium provides a forum for certain spokesmen who are deeply concerned with the responsibilities that lawyers should assume when a riot flares. In the Symposium, the reader will, hopefully, discover that most of the authors are making a sincere, non-political, and urgent appeal to members of the legal profession, first, to understand some of the underlying and often legally reinforced provocations extant in the ghetto community, second, to elucidate these grievances for the better understanding of all citizens, and finally, to make every effort to eliminate the causes of civil disorder before it becomes a reality.

The issue begins with a report of the National Legal Aid and Defender Association's Conference, entitled "Winter Rights — Summer Riots," held in conjunction with the ABA annual convention on August 4, 1968. The edited remarks of eight distinguished Conference participants have been selected for publication.

In her introduction to the Conference report, Mrs. Lauritis briefly describes the selected articles. As she points out, however, the reader may find that the speeches and articles are not as important for their formal content as they are for disclosing the tension which she describes as having pervaded the discussions. Those who attended the opening of the Conference were all concerned professional people, bent on discovering proposals for better harnessing the efforts of the organized bar to combat the causes of civil dis-

order; apparently, however, the conferees were unable to prevent the ensuing discussion of politically sensitive issues from becoming polemical.

Using the shorter, often rhetorical, Conference papers as a backdrop for the remainder of the issue, we have tried as much as possible to select articles which either attempt to resolve or more fully elaborate upon the issues raised by the Conference speakers.

For example, in his address to the Conference, Mr. Sterling Tucker examines the negative attitudes which many Black citizens have toward the law. He suggests that these attitudes might be natural responses to some prevalent White attitudes toward the ghetto community. This same proposition is fully documented by former NAACP figurehead Leroy Clark and his wife in their article entitled *Denial of Rights to Black Citizens*. The Clarks explain that discriminatory attitudes are often manifested in the commission of illegalities against Black citizens, setting in motion a series of reactions which may culminate in violence.

There are several other useful cross references from the articles of Conference participants to those of other contributors. Conference speaker Burt Griffin predicts that further urban violence will be strategically directed against the police by militant groups; *Riots and the Police* is the subject of Dr. Gresham Syke's article. Mr. Nathaniel Jones briefly told the Institute of the discoveries made by the Kerner Commission; the National Advisory Commission's report is reviewed in detail later in the issue. Professor Phillip Ginsberg conducted a Conference panel on the contributions which law students can make in eliminating the causes of riots; in his responsive article, Professor Alan Merson commends the participation of many students in the Model Cities Program in Denver; also in the issue a white student shares the dilemma which he experienced when attempting to win the personal trust of a group of poor people and inspire them to a confidence in the legal system which he represented. Finally, the need for adequate legal services for everyone, a concern which was expressed throughout the Conference, is articulated by Mr. Junius Allison and Mr. Maynard J. Toll in their article entitled *Advocates for the Poor*.

There is one exception to the format of using Conference papers to introduce the longer articles in the issue. The Conference section entitled *Proper Handling of Mass Arrests* stands by itself. Each of the four authors who contributed to this section had the opportunity to rework the remarks which they made to the Conference, and we feel that their presentations do not require further elaboration.

A final comment about the composition of the issue should be made. In advertising the Symposium, it was mentioned that we

would include an article concerning the problems of providing a system of reinsurance in order to adequately indemnify the losses occurring to private property during a riot, but unfortunately this article had not been received when the issue was sent to press.

Of course, the students who have produced this issue do not pretend that it exposes all of the legally relevant issues that arise in a riot situation, but we do hope that the Symposium includes something which will interest and, perhaps, trouble any person who reads it.

Charles M. McGee
Symposium Editor