

photo by Alan Karchmer
The National Museum of African American
History and Culture

RIVERSIDE LAWYER

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MAGAZINE

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(NAACP)**



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RIVERSIDE LAWYER

MAGAZINE

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MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, and the RCBA - Riverside Superior Court New Attorney Academy.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of *Riverside Lawyer* published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication, and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the Riverside Lawyer.

The material printed in the Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

FEBRUARY

- 8 **Riverside County Mock Trial Competition (Round 1)**
Riverside, Indio, Southwest Courts – 5:30 p.m.
- 9 **Bridging the Gap**
8:00 a.m. – 5:00 p.m.
RCBA Gabbert Gallery
- 12 **Court Holiday – Lincoln’s Birthday**
RCBA Offices Closed
- 15 **Riverside County Mock Trial Competition (Round 2)**
Hall of Justice – 5:30 p.m.
- 19 **Court Holiday – Presidents’ Day**
RCBA Offices Closed
- 20 **Family Law Section Meeting**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Topic: “The State of the Family Law Court”
Speaker: Judge Dale Wells
MCLE
- 21 **Estate Planning, Probate & Elder Law Section**
Noon – 1:00 p.m.
RCBA Gabbert Gallery
Topic: “Estate Planning with the New Tax Regulation”
Speaker: Joseph W. Walloch, CPA, CGMA, MBA, MBT
MCLE
Joint Inland Empire Inns of Court Meeting
5:30 p.m. – 8:00 p.m.
Guest Speaker: Carl Douglas
Location: California Citrus State Historic Park, Sunkist Center, 9400 Dufferin Ave, Riverside
\$75 per person
RSVP by Feb. 12 to sherigomez4@gmail.com
- 22 **Riverside County Mock Trial Competition (Round 3)**
Hall of Justice – 5:30 p.m.
- 23 **General Membership Meeting**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
- 24 **Riverside County Mock Trial Competition (Round 4)**
Hall of Justice – 9:00 a.m.
Mock Trial Awards Ceremony – 2:00 p.m.
Bourns Technology Center
- 26 **Joint MCLE by CLE Committee and Environmental Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Charity Schiller
Topic: “Environmental Writ Litigation: The California Environmental Quality Act, administrative records, and the potential admission of extra-record evidence in CCP 1094.5 and 1085 actions”

MARCH

- 1 **Riverside County Mock Trial Competition – Elite 8 Round**
Hall of Justice – 5:30 p.m.
- 3 **Riverside County Mock Trial Competition (Semi-Final)**
Historic Courthouse – 9:00 a.m.
Riverside County Mock Trial Competition (Final Round)
Historic Courthouse – 1:00 p.m.
Riverside County Mock Trial Championship Awards Ceremony
Historic Courthouse – 3:30 p.m.

EVENTS SUBJECT TO CHANGE.

For the latest calendar information please visit the RCBA’s website at riversidecountybar.com.





by L. Alexandra Fong

This month's theme of *Riverside Lawyer* is Black History. Black History Month or African American History Month is an annual celebration of achievements by black Americans and a time for recognizing the central role of African Americans in U.S. history. The event grew out of "Negro History Week," the brainchild of noted historian Carter G. Woodson and other prominent African Americans.¹

Born in 1875, Dr. Woodson earned his Bachelor's degree in 1903 from Berea College in Kentucky, his masters in 1908 from the University of Chicago, and his Ph.D. in 1912 from Harvard University, becoming only the second person of African descent to receive a doctorate from this institution (the first was W.E. DuBois). In 1915, Dr. Woodson established the Association for the Study of Negro Life and History, which later became the Association for the Study of African-American Life and History (ASLAH). The organization's purpose was to inform the American public about the contributions of black Americans in the formation of the country, its history, and culture. Under his leadership, the Association established the *Journal of Negro History* in 1916 and the *Negro History Bulletin* in 1937. He directed ASLAH's operations from his residence in Washington, DC, all the way until his death. His home was designated a National Historic Landmark in 1976 and later a National Historic Site and visitor attraction operated by the U.S. Department of Interior, National Park Service.²

1 <http://www.history.com/topics/black-history/black-history-month>.

2 Guided tours of this historic site occur on Thursdays and Saturdays. See: <https://www.nps.gov/cawo/>.

In 2003, the 108th Congress passed the National Museum of African American History and Culture Act, which established the National Museum of African American History and Culture within the Smithsonian Institution. This new museum was to be operated as a center for scholarship and a location for museum training, public education, exhibits, and collection and study of items and materials relating to the life, art, history, and culture of African Americans that encompass the period of slavery, the era of reconstruction, the Harlem renaissance, the civil rights movement, and other periods of the African American diaspora.³

The National Museum of African American History and Culture is the only national museum devoted exclusively to the documentation of African American life, history, and culture. To date, the Museum has collected more than 36,000 artifacts and nearly 100,000 individuals have become charter members. The Museum opened to the public on September 24, 2016, as the 19th and newest museum of the Smithsonian Institution.⁴

Here, in Riverside County, we have had our fair share of firsts. Richard T. Fields was the first African American jurist in Riverside County when he was appointed commissioner in 1991. He became the first African-American judge in Riverside County in April 2000, when Governor Gray Davis appointed him to the bench. His namesake bar association was established in 2010.⁵ In 2017, he became the second African American jurist appointed to the Fourth District Court of Appeals, Division Two, following the appointment of Associate Justice Carol Codrington in 2010.

I close this month's President's Column with an invitation to attend the February board meetings of the Riverside County Bar Association and Riverside County Bar Foundation, Inc., which will be held on Wednesday, February 28, 2018 at 5:15 p.m. Although typically held on the third Wednesdays of each month, this month they will be held on the fourth Wednesday because the Leo A. Deegan Inn of Court is hosting the joint meeting of the Inland Empire Inns of Court on Wednesday, February 21, 2018, at the California Citrus State Historic Park, Sunkist Center in Riverside. Several Board members of RCBA and RCBF are members of this prestigious Inn and the keynote speaker at the joint Inn meeting is Carl E. Douglas, an attorney who specializes in handling police misconduct cases and is best-known for being a member of O.J. Simpson's "Dream Team" in the 1990s. RCBA members are invited to attend the meeting, which costs \$75. If you would like to reserve a seat for this very special event, please contact Sherri Gomez at: SherriGomez4@gmail.com, with payment (check) due by February 12, 2018 to: The Garnet Silver Group, ATTN: Leo A. Deegan Inn of Court, 5198 Arlington Avenue, #181, Riverside, CA 92504.

L. Alexandra Fong is a deputy county counsel for the County of Riverside, handling juvenile dependency cases. She is also president-elect of the Leo A. Deegan Inn of Court.



3 <https://www.congress.gov/bill/108th-congress/house-bill/3491> and <https://www.congress.gov/bill/108th-congress/senate-bill/1157>.

4 <https://nmaahc.si.edu/about/museum>.

5 Additional information about the Richard T. Fields Bar Association may be found on their website at: <http://www.rtfIELDSbar.org/>.

BARRISTERS PRESIDENT'S MESSAGE

by Shumika T. R. Sookdeo



S. Alfonso Smith was born and raised in Southern California. He resided in Orange County until about six years ago when he moved to Riverside with his lovely wife, Isidra. Since relocating to Riverside, he has grown fond of this community and all that it has to offer.

Alfonso attended California State University, Fullerton for his undergraduate studies and then University of La Verne College of Law to complete his post graduate work. While in his third year of law school,

he was a law school contractor at State Fund in Riverside. Currently, Alfonso is a post bar law clerk with the State Fund in Riverside, a position he was offered immediately upon passing the July 2017 California bar exam. His responsibilities include; appearing at hearings, preparing subpoenas, and attending depositions for workers compensation cases. Some of the main reasons why Alfonso enjoys working in Riverside is attributed to its racial, economic, religious, and social diversity.

One of Alfonso's colleagues at the State Fund is Erica Alfaro, Barristers' immediate past president. Erica met Alfonso during his second year in law school while he was a Lexis Nexis associate. She invited Alfonso to Barristers' event and asked him to be a law student contact, to which he agreed. That year, Alfonso attended a happy hour event with Barristers' members and thoroughly enjoyed the experience he had socializing with young attorneys whom he now proudly calls his peers.

As a new attorney, Alfonso's favorite part of being a member of Barristers' was participation with RCBA's Elves' wrapping night for the holiday season. He hopes to see the Barristers start working more with local organizations to hold legal clinics for expungements. Alfonso also feels strongly about helping combat homelessness; specifically, he would like Barristers to collaborate with other organizations to provide meals to the homeless.

In an attempt to do his part to give back to the community, Alfonso recently started a non-profit, Alfonso Legal Aid Non Profit Corporation, which provides low cost legal services to those who cannot afford to

pay for legal representation, but also do not qualify for services provided by legal aid. He is excited about this organization, which you can learn more about at www.alfonso-legal.org.

Alfonso is happiest when spending quality time with his wife and their two small children, Isabella and Omari. He enjoys taking the children to the indoor playground, Jump'n Jammin. Alfonso loves the beach and playing Sony Japanese video games. Very few people know that he has Panamanian roots and that he speaks Spanish fluently.

Upcoming Events

We have several upcoming activities, including our second annual judicial reception at Grier Pavilion, located at Riverside City Hall, on May 9, 2017, at 5:30 p.m. More information will follow.

Finally, please stay informed about Barristers events by joining our mailing list at <http://www.riversidebarristers.org> or follow Riverside County Barristers Association on Facebook.

Shumika T. R. Sookdeo, managing attorney of Robinson Sookdeo Law, is a past president of the Richard T. Fields Bar Association, a commissioner on the California Commission on Access to Justice, and a board member of John M. Langston Bar Association and California Association of Black Lawyers.



S. Alfonso Smith



The Smith family

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THE LYNCHING OF JESSE WASHINGTON

by DW Duke

Hatred bespeaks the fate of the innocent whose soul hangs in the balance, destined to suffer guilt, as a sacrifice to an ancient prejudice. This, we may see, became the fate of seventeen-year old Jesse Washington, an African American, brutally tortured and lynched in Waco, Texas on May 15, 1916, for the murder of Lucy Fryer, a white woman. But was he guilty of the crime? Or was he a victim of unimaginable circumstances, whose fate, determined by race, confined him in a time and place in American history when lady justice routinely tipped the scale in favor of the lighter skin, as if dark skin itself were devoid of any redeeming value?

Jesse Washington lived in Richardson, Texas, with his parents and his younger siblings. In early 1916, the family had moved on to the property of Lucy and George Fryer, young English immigrants who managed to buy a small cotton farm near Richardson. The Washington family lived in a small house on the farm as share croppers.

On or about May 6, Jesse had gone into town with some friends when he accidentally stepped on a white man's foot who became so enraged, that he struck Jesse in the face causing his nose to bleed. In retaliation, Jesse shoved the man who then threatened to blow Jesse's head off. Later that night Jesse drove to the man's home and into his yard where he shouted for the man to come out and blow his head off, then and there.

Two days later, Lucy Fryer's body was found lying in the door of an outbuilding near the house at around noon. It was determined that she had been killed with a blunt force object that had struck her in the head. News quickly spread to McLennan County where Sheriff Fleming, along with a group of other lawmen, decided to investigate. A neighbor of the Fryers said he had seen Jesse near the Fryer house earlier that morning. Jesse had spent the rest of the day plowing the field and made no attempt to escape.

The lawmen arrived at the Washington home that evening and arrested Jesse, his younger brother, William, and their parents. William and the parents were released, but Jesse was detained for questioning because he had been seen at the property shortly before the murder and because of the blood stains on his shirt. In addition, witnesses said that Lucy Fryer had scolded him several days earlier for whipping a mule, thus providing motive.

Initially, Jesse vigorously denied any involvement or knowledge of the murder. However, he was told by his interrogators that they knew he was guilty and that he would be hung no matter what. He was also told that the

only way he could be saved from a lynch mob, who would torture and brutalize him, would be if he confessed, then they could hang him properly. The questioning occurred without legal counsel and Jesse eventually confessed, telling the interrogators where they could find a hammer that had been used to kill Lucy. The hammer was found where Jesse said at the end of the field where Jesse had been plowing.

Jesse was moved around to several locations to keep the vigilante crowd from discovering his whereabouts. Eventually, it was decided that Waco was the safest place for him to be taken. On May 11, 1916, an indictment was returned against Jesse and his trial took place at the Waco courthouse on May 15, 1916. Jesse was assigned five young defense attorneys, at least one of whom was a Ku Klux Klan member. During the trial they made no objections and offered no defense. A confession was read to Jesse and when asked if it was true he made a barely audible response that some said sounded like "yes" or "I guess so." The trial lasted one hour and the jury was out for four minutes.

When the verdict was read Jesse was immediately grabbed and dragged from the courtroom. The judge and law enforcement officers said nothing. He was taken out of the building and into the street. An estimated 10,000 to 15,000 people, including law enforcement officers and government officials, were present and participated in the lynching. School children took off their lunch hour to participate in the lynching. The crowd laughed and cheered at Jesse's misfortune. When he was dragged out of the courthouse his clothes were torn off and people began stabbing him with knives and striking him with clubs. He was heard to scream "Haven't I one friend who will help me?"

As they dragged Jesse down the street to a lynching tree in front of city hall, his genitals were cut off as were his fingers and some of his toes. He was taken to a tree where a fire was burning at the base. He was chained to the tree then slowly roasted in the fire by hoisting him up and down into the flames for two hours. He tried to pull himself out of the flames but couldn't hold on to the chain due to his missing fingers. After he had died his charred body was dragged through the streets and his body parts later sold as souvenirs. Jesse Washington had no chance.

After the lynching, the National Association for the Advancement of Colored People (NAACP) requested suffragette Elisabeth Freeman to investigate the event. She went to Waco and interviewed many people in the community. Eventually, she produced her report. While she noted

the horrific treatment, she concluded that Jesse probably was guilty primarily because he knew the whereabouts of the hammer that was used to kill Lucy Fryer.

In 2006, Patricia Bernstein published a book entitled *The First Waco Horror: The Lynching of Jesse Washington and the Rise of the NAACP* (Texas A&M University Press), wherein she reexamined the evidence and questioned the conclusions of Freeman suggesting that Jesse Washington may have been innocent. In retrospect, that appears to be the case.

Legal Problems:

The prosecution of Jesse Washington contained so many constitutional violations it is difficult to know where to begin. First, the confession appears to have been coerced. Clearly, we have no way of knowing what actual conversations took place between the investigators and Jesse since he had no defense counsel present. Was he tortured? We know he was threatened. He was told that the only way they could save him from a horrific death of torture and lynching was if he confessed. So, at minimum the confession was obtained by duress and he had initially denied that he was involved in the killing.

The primary evidence, blood on his clothes, according to witnesses, was there from a few days earlier when he was struck by the man in the altercation after stepping on his toes. So, even this evidence is suspect.

The location of the hammer could have been known in several ways. The interrogators could have told him where it was, if they knew. This is a young man who would likely have said anything to avoid the horrors he was facing. Alternatively, even if the interrogators were innocent of any wrongdoing it is possible that Jesse saw someone place the hammer at that location. He was plowing the field and the hammer was placed where Jesse said it was at the end of the field he was plowing.

A witness reported that George Fryer had said he killed his wife. This information was ignored by the prosecution and the defense. In fact, a newspaper reporter was later arrested for publishing that the true murderer was George Fryer.

The feature of the story that most likely suggests the innocence of Jesse is that after Lucy Fryer was murdered, he continued plowing the field for the rest of the day. The prosecution explained this away by saying that Jesse was mentally retarded and didn't realize he would be caught if he stayed around the farm. Many of those who knew him disputed that he was mentally retarded, but instead said he was just stubborn and did not want to learn to read and write. He wanted to be a cotton farmer and didn't feel a need.

The lynching of Jesse Washington would have been a horrific case of cruel and unusual punishment even if he was guilty, but sadly we will never know if he was innocent or guilty because he was deprived of a fair trial. Waco was a college town with a population of 30,000. It was the home of Baylor University and two black universities. Yet, nearly half the population came out to participate in the lynching.

After the lynching many people in the community, including the president of Baylor, voiced outrage over the event. Over time this has become a horrible shame for Waco and one that many of the town's people wish had never occurred. Others simply dismiss it as a product of the time and place where Jesse lived. In researching this event of 1916, I was left speechless. It is something I would have considered impossible to occur at that time and place. But perhaps most shocking is that to this day, not one person has ever been charged with a crime in the lynching of Jesse Washington.

DW Duke is the managing partner of the Inland Empire office of Spile, Leff & Goor, LLP and the principal of the Law Office of DW Duke.



* ATTENTION RCBA MEMBERS *

How would you like to receive (or read) the *Riverside Lawyer* magazine?

Some members have told us they prefer reading the online version of the *Riverside Lawyer* (available on our website at www.riversidecountybar.com) and no longer wish to receive a hard copy in the mail.

OPT-OUT: If you would prefer not to receive hard copies of future magazines, please let our office know by telephone (951-682-1015) or email (rcba@riversidecountybar.com).

Thank you.

AREA LEADERS KICK OFF CIVIL RIGHTS INSTITUTE PROJECT

by Dawn Hassett

Inland officials gathered to lend their endorsements to the new Civil Rights Institute of Inland Southern California on October 23, 2017. Keynote speakers Senator Richard Roth and Assemblyman José Medina pledged their support and were joined by elected officials from Riverside County and several inland cities who attended. The kick off for the \$2 million campaign had been in its silent phase for approximately three months and went public at the event.

Ken Souder, president and chief executive officer of Wakeland Housing and Development, the project developer, shared the plans for the creation of Mission Heritage Plaza, 72 units of affordable housing that will rise above the new Civil Rights Institute and the new offices of the Fair Housing Council of Riverside County.

The Civil Rights Institute of Inland Southern California is the marquee component of the 92,000 square foot project, with 4,400 square feet dedicated to the Civil Rights Institute's Diversity Center and Exhibition Center.

Mike Gardner, a councilmember for the City of Riverside, presented a \$3 million check toward the overall project construction from the city's Housing Authority to the developer and Fair Housing Executive Director Rose Mayes. The land for the project at Mission Inn Avenue and Fairmount Avenue has been acquired and entitlements for the project are complete.

Funding for the \$32 million project will include a combination of housing tax credits, cap and trade loans, federal veterans and affordable housing funds, and the contribution from the City of Riverside.

Additional major presentations of \$100,000 to the



Rose Mayes receives Senate Recognition from Richard Roth.



Proposed Civil Rights Institute of Inland Southern California

community members, making a gift of \$25,000 to Civil Rights Institute President Ron Loveridge.

"This money will build out the Civil Rights Institute space and get our programs started," said Rose Mayes, who wears two hats for this project, vice president of the Institute and chief executive officer of Fair Housing. "People have been very generous during the silent phase of this campaign.

We've raised more than \$600,000 of the funds we need in the first phase, already."

The Civil Rights Institute has until next June to complete the initial \$1 million phase of the campaign, a deadline linked to the financing for the Mission Heritage Plaza project. The second phase of the campaign, the second million dollars, will take place over the following year.

As the voice of civil rights for inland Southern California, the Institute will:

- Provide public programming and children's programs focusing on civil rights and the region's civil rights history;
- Program exhibits and performances that support civil rights activities;
- House an archive and library of regional civil right materials;
- Conduct oral history projects and support the production of civil rights audio and video productions through the media center, and
- Recognize the region's civil rights leaders and their impacts.

One of the most innovative aspects of the project is its ability to create a new home for civil rights activities in the region by providing incubator space for nonprofits engaged in civil rights activities and conference and meeting space for community organizations. Outside the Institute, the Civil Rights Walk of Fame will feature sidewalk panels honoring leaders from the inland region whose work has furthered civil rights on a regional, state-wide, national, or international level. To date, twenty-five of these "civil rights heroes" have been identified and ten donors have subscribed to the Walk of Fame program,

underwriting panels to honor specific heroes at \$10,000 each.

For more information about the Civil Rights Institute go to www.inlandcivilrights.org or call Rose Mayes at (951) 682-6581 x 101. The Civil Rights Institute of Inland Southern California is a charity under section 501 (c) (3) of the Internal Revenue Code. Tax ID number 45-4850970.

Lawyers, Judges, and Cases Prominent in Walk of Fame

Lawyers, judges, and legal cases with regional, state-wide, or national impact comprise 8 of 25 places in the Walk of Fame planned for the new Civil Rights Institute of Southern California. Most are still awaiting underwriting for inclusion as part of the Civil Rights Institute's campaign.

Starting with John North, abolitionist, Lincoln appointee, and federal judge, the region has a long tradition of lawyers fighting for the rights of minorities.

Eliza Tibbets, mother of the California citrus industry, started her civil rights career as an abolitionist and suffragist who was a key plaintiff in a case for women's suffrage before the Washington D.C. Supreme Court in 1871.

Jukichi and Ken Harada successfully challenged the 1913 California Alien Land Law and in 1915, won the right

for their U.S. born children to own the family's Riverside home.

As president of the Riverside Unified School District board, Arthur L. Littleworth led the Riverside Unified School District to approve voluntary integration of Riverside schools in 1965, the first large school district in the nation to do so.

Tim Hays, editor/publisher of *The Press-Enterprise*, won two cases protecting freedom of the press in front of the U.S. Supreme Court in the 1980s.

When selected as a commissioner in 1991, Justice Richard T. Fields became the first African-American jurist in the history of Riverside County. In April 2000, Justice Fields became the first African-American judge in Riverside County.

That same year, Carolyn Confer, as assistant city attorney for Riverside, defended the city in a lawsuit that sought to force the city to put a discriminatory measure against homosexuals and persons with AIDS on the ballot.

In 2010, Judge Virginia A. Phillips gave justice to homosexual members of the armed forces by ruling "Don't Ask, Don't Tell" unconstitutional.

Dawn Hassett is a writer and volunteer marketing consultant to the Civil Rights Institute of Inland Southern California.



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THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

by DW Duke

On September 24, 2016, the internationally renowned Smithsonian Institute recently opened a museum for African American history and culture. The new addition to the Smithsonian proves to be one of the most important centers of learning in America. Located at 15th Street and Constitution Avenue, near the Washington Monument, in Washington, DC, the center has already entertained more than 2.5 million visitors.

Among the exhibits are such treasures as a massive collection of photos and films depicting the lives of black Americans, items of property donated to the Institute such as Nat Turner's personal Bible, gospel hymnals used in black churches, clothing worn by slaves, a reward poster for runaway slaves, a railroad car from the Segregation Era South, a shawl given to Harriet Tubman by Queen Victoria, aircraft used in training of pilots at the Tuskegee Institute, and works of art from various black artists, to name just a few. The museum's collection includes over 35,000 artifacts with over 3,500 on display for viewing.

The museum has a restaurant that serves food historically popular among African Americans in various regions of the United States with information about the locations

where the food was common. Admission to the museum is free with timed passes though there is a cost for restaurant foods and services.

Some may ask, "Why do we need a museum for black people or why isn't there a museum for white people?" Perhaps the answer lies in the fact that American history is about white people about which there already exist thousands of museums throughout the United States. White history is what we studied throughout high school and college. In contrast, information about black history has historically been scarce except in black history classes. This museum presents a look at a portion of our society that for many years had been ignored in the pages of history except for a few notable persons most of whom first appeared after the Civil War. It provides an opportunity to learn about a segment of society that, until the last century, was relatively unknown to white America.

DW Duke is the managing partner of the Inland Empire office of Spile, Leff & Goor, LLP and the principal of the Law Office of DW Duke.



*photo by Alan Karchmer
The National Museum of African
American History and Culture*

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THE SHAW MEMORIAL AT THE NATIONAL GALLERY OF ART

by Abram S. Feuerstein

Located on the Main Floor of the West Building, in Gallery 66 of the National Gallery of Art in Washington, D.C.,¹ the Shaw Memorial by Augustus Saint-Gaudens arguably is America's greatest sculpture by America's greatest sculptor. The Museum's patinated plaster version of the sculpture, dating from 1900 and on permanent loan from the National Park Service, is a copy by the artist of the original bronze relief that stands at the edge of Boston Common on Beacon Street.

When he was approached in 1883, Saint-Gaudens agreed to complete the Shaw Memorial commission within two years.² Intended as a tribute to Col. Robert Gould Shaw, the young Bostonian white officer who led the 54th Massachusetts Regiment — the first African-American volunteer infantry unit of the Civil War — Saint-Gaudens increasingly understood the importance of the project. So he ignored contract deadlines and inquiries by his patrons,³ and worked on the monument for 14 years. By then, in his words the commission had developed “beyond what could be paid for” and instead had become “a labor of love.”⁴ But why did Saint-Gaudens take so long to complete the Shaw Memorial?

Expressing sentiments that have relevance to today's discussions relating to public monuments, the artist responded to those who questioned the deferred timetable for the delivery of the work: “My own delay I excuse on the ground that a sculptor's work endures for so long that it is next to a crime for him to neglect to do everything that lies in his power to execute a result that will not be a disgrace. There is something extraordinarily irritating, when it is not ludicrous, in a bad statue. It is plastered up before the world to stick and stick for centuries, while man and



Tell It With Pride
by Sarah Greenough et al.

nations pass away. A poor picture goes into the garret, books are forgotten, but the bronze remains to accuse or shame the populace and perpetuate one of our various idiocies.”⁵

But more than the responsibility that any artist has to “public” art, Saint-Gaudens needed nearly a decade and half to complete the commission because he wanted to “live” with the project and ensure that he was capturing the subject matter appropriately. As he observed, what took so long was not the execution of the sculpture — it was “the thinking about it.”⁶

Movie Glory

Most Americans learned the story of Col. Shaw and the 54th Regiment through the 1989 Academy Award winning movie, *Glory*.⁷ The movie depicts the recruitment of the members of the 54th on the heels of Lincoln's Emancipation Proclamation. Under applicable regulations, the officers of the Regiment had to be white even if the rank and file were black. Massachusetts Governor John Andrew selected Col. Shaw because he was the son of prominent Bostonian abolitionists. The soldiers of the 54th consisted mostly of freemen, escaped slaves, and even a Canadian or two. They understood the symbolic importance of a regiment comprised of African Americans fighting for their own freedom, and even signed up in the face of a Southern decree requiring the execution of any black prisoners of war.⁸

Frederick Douglas, who had been instrumental in the creation of and the recruitment for the Regiment, had observed: “Once let the black man get upon his person the brass letters, U.S.; let him get an eagle on his button, and a musket on his shoulder and bullets in his pocket, and

1 See <https://www.nga.gov/Collection/locationview.102494.html?room=M-066&ngaObjectId=102494&pageNumber=1>.

2 Sarah Greenough et al., *Tell it With Pride: The 54th Massachusetts Regiment and Augustus Saint-Gaudens' Shaw Memorial*, p. 89 (National Gallery of Art, Yale University Press, 2013) (hereafter, “*Tell it With Pride*”). The volume was printed to coincide with a museum exhibit commemorating the 150th anniversary of the 54th Regiment's July 18, 1863, heroic attempt to take Fort Wagner, one of several confederate forts that guarded Charleston, South Carolina.

3 *Id.*

4 *Id.*, at 90.

5 Quoted in the National Park Service's description of the Saint-Gaudens' National Historic Site located in Cornish, New Hampshire, retrieved at <https://www.nps.gov/saga/learn/historyculture/the-shaw-memorial.htm>.

6 *Tell it with Pride*, p. 92.

7 The three Academy Awards it received included one for Denzel Washington in the category of Best Supporting Actor. The movie's cast also included Morgan Freeman and Matthew Broderick, who portrays Col. Shaw. See generally, <https://www.nps.gov/saga/learn/historyculture/the-shaw-memorial.htm>.

8 See <https://www.c-span.org/video/?317911-1/robert-gould-shaw-memorial>.

there is no power on earth which can deny that he has earned the right to citizenship.”⁹ In fact, two of Douglas’ own sons, Charles and Lewis, joined the 54th.¹⁰ And, more than symbolism, the eventual enlistment of 180,000 black soldiers by war’s end – or nearly 10 percent of the Union army – may well have been decisive.¹¹

At a time when the military fitness of African Americans was questioned, *Glory* successfully shows the eagerness of the men of the Regiment to demonstrate their capabilities and bravery. In mid-July 1863, Col. Shaw volunteered the 54th to lead a near-suicidal infantry attack on the impenetrable and heavily fortified Fort Wagner. The results predictably were horrific. Of the 600 men from the Regiment involved in the assault, the unit suffered 285 casualties.¹²

Uncharacteristic of Civil War officers, Col. Shaw opted to lead the charge personally, telling the soldiers “prove yourselves men” and “Forward 54th.”¹³ As he mounted the parapet, Shaw was among the first killed. Almost immediately, the Regiment’s flag bearer, too, was shot fatally. Of note, a 23-year old African American (non-commissioned) sergeant, William H. Carney, threw away his gun, picked up the flag, and planted it at the top of the parapet.¹⁴ The barrage continued, but with the 54th’s eventual retreat, a seriously wounded Carney wrapped up the flag and then presented it to the officers and other surviving men, proclaiming: “Boys, I but did my duty; the dear old flag never touched the ground.”¹⁵ Later that year, in December 1863, Carney became the first African American to be awarded the Medal of Honor.¹⁶

Glory’s screenwriter, Kevin Jarre, claimed to have received his inspiration for the film by viewing the Saint-Gaudens monument on the corner of Boston Common; indeed, the Shaw Memorial appears at the end with the film credits.¹⁷ Interestingly, the film seems to struggle a little — but not a lot — with the issue that confronted Saint-

9 See <http://www.history.com/topics/american-civil-war/black-civil-war-soldiers>.

10 *Tell it With Pride*, p. 5.

11 The end credits of *Glory* are preceded by a note that “over 180,000 volunteered” and that “President Lincoln credited these men of color with helping turn the tide of the war.” See *Glory*, *AFI Catalog of Feature Films: The First 100 Years 1893-1993*, American Film Institute, at <https://catalog.afi.com/Catalog/moviedetails/58097>.

12 <https://www.nps.gov/saga/learn/historyculture/the-shaw-memorial.htm>.

13 *Tell it with Pride*, pp. 5-6.

14 *Id.*, at pp. 6-7.

15 *Id.*

16 As a result of a bureaucratic error, Sgt. Carney did not receive the Medal until 1890, 37 years later. For a large part of his adult life he had been a mail carrier in Massachusetts. The medal arrived by mail. Graciously, he wrote a letter to the war department stating that he was honored to receive it. See <https://www.c-span.org/video/?317911-1/robert-gould-shaw-memorial>; see also, https://en.wikipedia.org/wiki/William_Harvey_Carney.

17 See <https://www.rogerebert.com/reviews/glory-1989>.



The Shaw Memorial by Augustus Saint-Gaudens at the National Gallery of Art



The original monument above Boston Common.

Gaudens and which resulted in the sculptor’s lengthy delays in completing his project. The filmmakers understandably relied upon Shaw’s comprehensive correspondence (mostly to his parents) to narrate the story of the 54th. That means that the audience sees the events through Shaw’s eyes. However, the story is not Shaw’s story or, at least, it is not Shaw’s alone. As Saint-Gaudens came to realize, the story of the 54th mostly belongs to the African American members of the Regiment.

Shaping a Monument

Saint-Gaudens initially had taken the commission because “like most sculptors” he thought he “must do an equestrian statue” and felt that with Col. Shaw he “had found (his) opportunity.”¹⁸ Notwithstanding his intent to depict only Shaw, Shaw’s family objected.¹⁹ The classical equestrian statue really belonged to the world of great generals, not their young son. Moreover, the purpose of the monument had been to celebrate Col. Shaw *as well as* “those who died with him.” Saint-Gaudens later wrote: “I

18 *Tell it with Pride*, p. 89.

19 *Id.*

fell upon a plan of associating him directly with his troops in a bas-relief and thereby reducing (Shaw's) importance."²⁰

After settling on the broad concept, Saint-Gaudens expended his time and talent in portraying the compositional details for the work: rifles, bedrolls, hats, pant creases, and facial hair. In depicting Shaw he worked off of photographs.²¹ But without an archive of photos for the African American soldiers, he searched the streets of New York for men willing to serve as models.²² He started with more than forty men, and in the end selected twenty-three models²³ that varied in age, weight, and facial hair — a full range of African American manhood.

The curators of a 2013-14 exhibit at the National Gallery, which celebrated the Shaw Memorial and the 150th anniversary of the Fort Wagner battle, obtained a dozen or so photographic portraits of the Regiment's African American soldiers. The images had been taken either shortly before the Regiment's departure from Boston, or after the Fort Wagner battle. The images are included in the Museum publication accompanying the exhibit: *Tell it With Pride: The 54th Massachusetts Regiment and Augustus Saint-Gaudens Shaw Memorial*. Viewing the photos against the

²⁰ *Id.*

²¹ *Id.*, at p. 90.

²² *Id.*

²³ *Id.*

men depicted in the Shaw Memorial one could almost swear that Saint-Gaudens had drawn the soldiers from actual life images.

The greatness of the Shaw Memorial thus lies in the unification of an artistic concept produced after years of deliberation; Saint-Gaudens' exquisite attention to detail and artistic skill; and the celebration of a pivotal historical event if not a turning point in American history. At the monument's unveiling in 1897, Booker T. Washington observed that the Shaw Memorial's celebration of the Regiment's sacrifices stood "for effort, not victory complete."²⁴ Of course he was right, and victory remains incomplete. But Saint-Gaudens achieved at least a partial victory when he decided to portray Shaw and his men, not engaged in battle, but marching, forever in bronze, and forever marching. They have no visible destination. It is a march into history.

Abram S. Feuerstein is employed by the United States Department of Justice as an Assistant United States Trustee in the Riverside Office of the United States Trustee Program (USTP). The mission of the USTP is to protect the integrity of the nation's bankruptcy system and laws. The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.



²⁴ *Id.*, pp. 91-92.

For the Union Dead

Relinquant omnia servare rem publicam.

...A girdle of orange, Puritan-pumpkin-colored girders
braces the tingling Statehouse, shaking

over the excavations, as it faces Colonel Shaw
and his bell-cheeked Negro infantry
on St. Gaudens' shaking Civil War relief,
propped by a plank splint against the garage's earthquake.

Two months after marching through Boston,
half the regiment was dead;
at the dedication,
William James could almost hear the bronze Negroes
breathe.

The monument sticks like a fishbone
in the city's throat.
Its colonel is as lean
as a compass needle.

He has an angry wrenlike vigilance,
a greyhound's gentle tautness;
he seems to wince at pleasure
and suffocate for privacy.

He is out of bounds now. He rejoices in man's lovely,
peculiar power to choose life and die—
when he leads his black soldiers to death,
he cannot bend his back.

On a thousand small-town New England greens,
the old white churches hold their air

of sparse, sincere rebellion; frayed flags
quilt the graveyards of the Grand Army of the Republic.

The stone statues of the abstract Union Soldier
grow slimmer and younger each year—
wasp-waisted, they doze over muskets,
and muse through their sideburns.

Shaw's father wanted no monument
except the ditch,
where his son's body was thrown
and lost with his "niggers."

The ditch is nearer.

...When I crouch to my television set,
the drained faces of Negro school children rise like balloons.

Colonel Shaw
is riding on his bubble,
he waits
for the blessed break.

Robert Lowell, 1960 (excerpted)
written for the 1960 Boston Arts Festival

[References to the "shaking" ground relate to building projects, including a garage under Boston Common, under construction at the time near the Shaw Memorial. The poet's derogatory references to Shaw being thrown into a ditch with his "niggers" relates to the information provided to Shaw's family by confederate soldiers as the family attempted to locate Shaw's body. The "Negro school children" referenced in the poem relate to school integration issues confronting Boston at the time. ASF]

In the Court of Common Pleas of Lancaster County, Pennsylvania
No. CI-17-06707

THOMAS R. WESTPHAL v. TREVIN THURMAN

TO: TREVIN THURMAN

You are hereby notified that on July 25, 2017, Plaintiff Thomas R. Westphal filed a Complaint, endorsed with a Notice to Defend, against you in the Court of Common Pleas of LANCASTER County, Pennsylvania, docketed to No. CI-17-06707, wherein Plaintiff seeks to recover damages for your breach of contract based on your failure to pay an outstanding balance due as required by law.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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BIAS IN THE LEGAL COMMUNITY: HOW DIVERSITY BENEFITS US ALL

by Casey R. Johnson

The United States of America has traditionally been known as the melting pot of the world and California is regularly recognized as one of the most ethnically diverse states in the country. Despite the growing diversity of the population of our state and Riverside County, the diversity of the general population does rarely translate to proportionate diversity within occupations and government systems. Unfortunately, this is true in the law.

The increasing diversity of California's population is easily observable through a cursory review of the U.S. Census figures gathered every ten years and the estimates provided each year in between the official decennial count. Between 2000 and the 2015 estimates, California's Latino/Hispanic population has grown from 32.4% to 38.8%, and California's Asian population has grown from 10.9% to 14.7%. Looking at these two groups alone, California's diversity population will increase by more than 10% in only 15 years. Based on 2015 estimates, California's White/Caucasian population represents only 34% of the state's total population.

	2000	2010	2015 (est)
Latino or Hispanic	32.4%	37.6%	38.8%
Black or African American	6.7%	6.2%	6.5%
Asian	10.9%	13%	14.7%
Native American/Alaskan	1.0%	1.0%	1.7%
Hawaiian/Pacific Islander	.3%	.4%	.5%
Two or More Races	4.7%	4.9%	3.8%

Figure 1: Source – United States Census Bureau

In Riverside County, residents are also increasingly diverse. Between 2000 and 2010, the percentage of Latino or Hispanic residents increased from 36.21% to 45.45%. By 2015, it is estimated that 48.4% (nearly half) of Riverside County residents identified as Latino or Hispanic – a greater than 12% increase in 15 years. The Asian population is also estimated to have nearly doubled between 2000 and 2015, growing from 3.69% to 6.9%. As of 2015, less than 23% of Riverside County residents identified as White or Caucasian.

	2000	2010	2015 (est)
Latino or Hispanic	36.21%	45.45%	48.4%

Black or African American	6.24%	6.42%	7.1%
Asian	3.69%	5.96%	6.9%
Native American/Alaskan	1.18%	1.08%	1.9%
Hawaiian/Pacific Islander	.25%	.31%	.4%
Two or More Races	4.37%	4.78%	3.5%

Figure 2 – Source – United States Census Bureau

While the ethnic diversity of our state increases, the percentage of attorneys and judges from diversity populations continues to lag. The same holds true for the number of female attorneys.

Turning first to gender, females outnumber male residents in California 50.3% to 49.7%. Although the number of woman in the law continues to increase, only 39.4% of attorneys are female, as of the 2011 California State Bar survey. Similarly, only 42% of judicial applicants are women and only 32.9% of California judges are women.

	CA Residents	Attorneys	Judicial Applicants	Judges
Female	50.3%	39.4%	42%	32.9%
Male	49.7%	60.6%	58%	67.1%

Figure 3: Sources – CA Residents (U.S. Census Bureau, 2015 Est.); Attorneys (California State Bar Member Survey, 2011); Judicial Applicants (Commission on Judicial Nominees Evaluation 2015 Statewide Demographic Report); Judges (Judicial Demographic Report, 2016, Judicial Council of California).

The discrepancies are even more pronounced in looking at ethnic minorities. While White or Caucasian individuals comprised only 34% of the population in California, they accounted for nearly 80% of attorneys (as of 2011) and almost 69% of trial judges. On the other hand, while Latino or Hispanic individuals make up almost 39% of California's population as of 2015, only 4.2% of attorneys identified as Hispanic or Latino as of 2011, and only 10% of trial judges so identify. Black/African American residents comprise 6.5% of California's population and 6.4% of trial judges, but only 2.7% of California attorneys. And while the number of ethnic minorities applying for judicial appointment continues to increase, as of 2015, 64% of judicial applicants were White or Caucasian. The irrefutable statistics reflect that

ethnic minorities are significantly underrepresented among both lawyers and judges.

	CA Residents	Riverside	Attorneys	Judicial Applicants	Trial Judges
White	34%	31.4%	79.3%	64%	68.9%
Black/ African Am	6.5%	7.1%	2.7%	9%	6.4%
Latino/ Hispanic	38.8%	48.8%	4.2%	14%	10.0%
Asian	14.7%	6.9%	7.7%	9%	6.6%
Am Indian	1.7%	1.9%	.0%	-	.6%
Hawaiian/ Pac Is	.5%	.4%	- (API)	-	.3%
Mixed Race	3.8%	3.5%	2.9%	-	3.2%
Other/ Unknown	-	-	2.6%	6%	1.2%

Figure 4: Sources - CA Residents and Riverside Residents (U.S. Census Bureau, 2015 Est.); Attorneys (California State Bar Member Survey, 2011); Judicial Applicants (Commission on Judicial Nominees Evaluation 2015 Statewide Demographic Report); Judges (Judicial Demographic Report, 2016, Judicial Council of California)

The “faces” of many law firms throughout the state frequently fail to reflect the diversity of the population. I know this first hand as the member of a firm of nine White/Caucasian attorneys, of which only two are women. But diversity extends beyond the headshots on a firm’s website. There are numerous additional diversity groups that can be represented at a firm that might not necessarily be visible from a photograph. Disability, sexual orientation, gender, gender expression, and socioeconomic background are but a few examples of added diversity that is important (as explained, below), but not necessarily easily seen in a firm. As a gay man, in a mixed-race marriage, who was also the first person in my family to earn a college degree, there is significant diversity “there,” that may not be readily apparent. Of course, inclusion of “other” diversity groups does not excuse the absence of more readily apparent racial diversity. In the end, firms are likely doing themselves and their clients a disservice by failing to diversify.

Over the past several years, numerous studies and articles have undertaken to evaluate the value of diversity. Although the specific findings varied among studies, each concluded that diversity benefits groups.

The benefit of diversity was established in “How Diversity Makes Us Smarter” by Katherine W. Phillips, which evaluated studies that concluded that socially diverse groups (race, ethnicity, gender and sexual orientation) are more innovative than homogenous groups. The study further concluded that diversity enhances creativity and leads to higher-quality research/work.¹

1 Katherine W. Phillips, “How Diversity Makes Us Smarter,” *Scientific American* (October 1, 2014).

In 2015, McKinsey & Company published “Diversity Matters” a study by Vivian Hunt, Dennis Layton, and Sara Prince, which concluded that diversity correlates with better financial performance. More specifically, the study found a 15% likelihood of financial performance above industry mean with gender diversity and a 25% likelihood with ethnic diversity. Looking beyond financial performance, the study also concluded that diversity helps companies: (1) recruit top talent; (2) achieve better customer orientation (ability to secure clients); (3) increase employee satisfaction; (4) achieve better innovation and creativity, broader problem-solving approaches, perspectives and ideas; and (5) increase firm/company image.²

Diversity similarly correlates to better decision making and results. More specifically, inclusive teams were found to make better business decisions up to 87% of the time and delivered 60% better results.³

Digging into why diverse groups are better/smarter/more creative, diverse groups were found to focus more on facts, process facts more carefully, and were ultimately more innovative.⁴

The research and analysis unequivocally support the value of diversity and it is easy to see why diversity is better for business. From attracting talent and clients, to achieving more creative and innovative (and better) decision making to being more financially successful, the case for diversity is overwhelming. Even a common-sense reflection would support that individuals exposed to more diversity would be better equipped to connect with diverse clients and for trial lawyers, diverse judges and juries.

Diversity should be a priority goal of every firm and organization in the coming year. Not for the sake of diversity, but because diversity makes us each better equipped to serve our clients and the legal system. And through diverse interactions, negative implicit biases that we all hold will begin to be dispelled. Simply put, we have nothing to lose and everything to gain.

*Casey R. Johnson is a partner and plaintiffs’ attorney at Aitken*Aitken*Cohn in Riverside and Santa Ana, and is the immediate past chair of the Diversity Committee for the Consumer Attorneys of California. Casey can be reached at casey@aitkenlaw.com.*



- 2 Vivian Hunt, Dennis Layton, and Sara Prince, “Diversity Matters,” McKinsey & Company (2015).
- 3 Erik Lawson, “New Research: Diversity + Inclusion = Better Decision Making at Work,” *Forbes* (September 21, 2017).
- 4 David Rock and Heidi Grant, “Why Diverse Teams Are Smarter,” *Harvard Business Review* (November 4, 2016) citing studies published in *Management, Policy & Practice and Economic Geography*.

RIVERSIDE COUNTY BAR ASSOCIATION ~ PROPOSED 2018 BUDGET

(BUDGET TO BE APPROVED AT THE FEBRUARY 23, 2018, GENERAL MEMBERSHIP MEETING)

REVENUES	
Bar Magazine Advertising	\$45,000.00
Committee/Section Meetings	\$ 2,000.00
Conf. Room Rental Fees	\$1,500.00
DRS Reimbursements	\$90,000.00
Fee Arbitrations	\$ 8,500.00
General Membership Meetings	\$11,000.00
Installation Dinner	\$ 16,000.00
Interest & Dividends	\$ 500.00
Labels & Rosters	\$ 500.00
Lease Income	\$ 160,000.00
LRS Panel Dues	\$ 10,000.00
LRS Percentage Fees	\$180,000.00
LRS Referral Fees	\$ 75,000.00
Mock Trial T-Shirts	\$ 1,350.00
Parking Space Fees	\$ 2,400.00
RCBA Membership Dues	\$ 120,000.00
Misc Income/Refunds	\$100.00
TOTAL REVENUE	\$723,850.00

EXPENSES	
Payroll Fees	\$1,300.00
Bank Service Charges	\$5,000.00
Bar Magazine Production/Mail	\$ 45,000.00
Bldg Maintenance & Repairs	\$ 20,000.00
Bldg Renovations	\$1,000.00
Bulk Mail/Magazine	\$4,200.00
Committee Meetings	\$ 600.00
Comp Software/Maintenance	\$ 5,400.00
Conference of Delegates	\$ 2,000.00
CPA Services	\$ 7,000.00
Donations	\$200.00
Employee Benefits/Medical	\$ 30,000.00
Employee IRA	\$ 5,870.00
Employee Salaries	\$ 300,000.00
Florist	\$400.00
General Membership Meetings	\$ 10,000.00
Good Citizenship-Photographer	\$220.00
Installation Dinner	\$ 16,000.00
Insurance - Workers Comp	\$ 2,700.00
Insurance - Building	\$ 16,800.00
Insurance - Bond	\$500.00
Insurance - E & O	\$ 900.00
Internet/Web Services	\$ 6,600.00

EXPENSES	
Interpreter Service	\$500.00
Janitorial Services	\$ 34,800.00
Janitorial Supplies	\$ 3,600.00
Leadership Summit	\$800.00
Licenses, Dues	\$200.00
Loan Interest - Provident	\$23,748.00
LRS Advertising	\$ 4,500.00
LRS Google Ad Campaign	\$27,600.00
LRS Recertification	\$2,000.00
Meeting Refreshments	\$ 600.00
Miscellaneous Expense	\$750.00
Mock Trial - State	\$ 1,000.00
Mock Trial T-Shirts	\$1,200.00
Office Equip - Maint/Lease	\$ 9,000.00
Office Supplies	\$ 3,500.00
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OMAR STRATTON AND THE HISTORY OF THE RIVERSIDE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)

by Waudieur "Woodie" Rucker-Hughes

This year marks the 76th anniversary of the National Association for the Advancement of Colored People (NAACP) in Riverside County. For 76 years, this organization has worked diligently on behalf of all persons who feel disenfranchised, marginalized, and who believe their civil rights have been infringed upon. I have been president of this branch for over 12 years and I am happy to report it is still going strong!

Our Riverside branch began after its founder, Omar Stratton, moved his family to Riverside and after he began to establish himself and his family into the local politics of Riverside's African American community. As I was told by the late Lucille Stratton-Taylor, one of Omar's daughters, her daddy was a successful plaster entrepreneur, who at one time had over 15 employees working for him in San Bernardino, California.

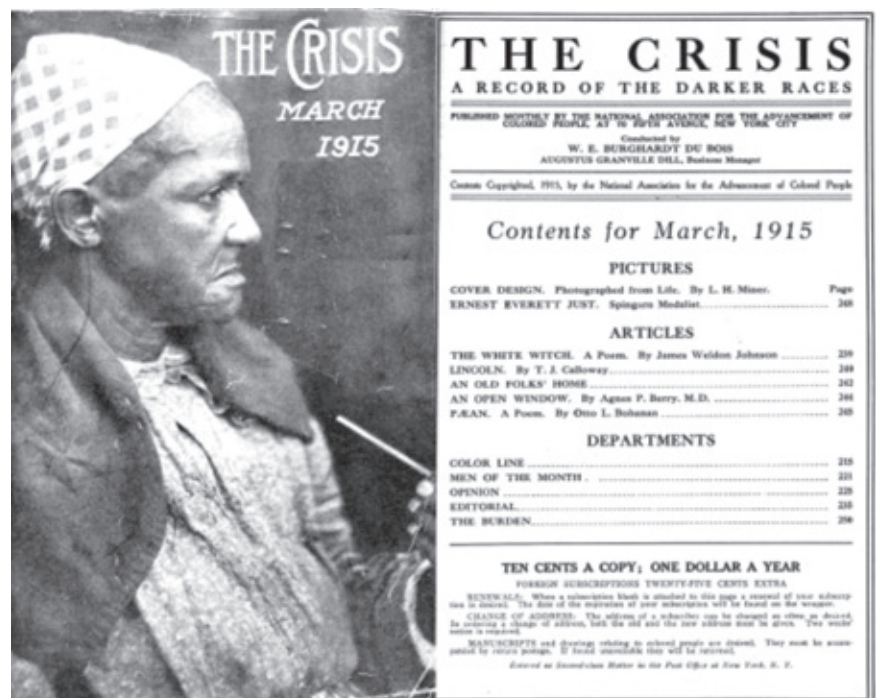
Mrs. Stratton-Taylor said that during the Depression of 1929, the building and plastering industry was "wiped out" and Omar was forced to relocate his family to the family vacation home he had built in the Valley Truck Farm area of San Bernardino. Omar did not, however, give up. He began to build chicken houses and incubators and he began to raise fryers and squabs for sale in the Bear market in downtown San Bernardino. He also designed and built St. Mark's Baptist Church on Central Avenue in the Valley Truck Farm community, an edifice that still stands today.

In 1934, Mr. Stratton moved his family to Riverside. The family brought with them a cow named Bossie, a big black wood stove, chickens, and squabs. The family was Seventh-Day Adventist and because of this, they soon established a branch Sabbath school in their home. Eventually, Omar and a Pastor Dennis Black designed and helped

to build a Seventh-Day Adventist church on the corner of 11th and High Streets (Victoria Ave.). The church was aptly named the Emanuel Seventh-Day Adventist Church and it served as the gathering point for all black Adventists in Riverside, until they outgrew the facility and sold the property to the Amos Temple CME Church in 1971. The Stratton family and other Adventist members then re-located to the corner of Kansas Avenue and 14th Streets (Martin Luther King Boulevard) and re-named the church, the Kansas Avenue Seventh-Day Adventist Church.

Mrs. Stratton-Taylor stated that her daddy was a community activist with a beautiful bass-baritone voice and whenever he was asked to speak to a white audience, he always ended his speeches with his favorite and signature Negro spiritual, "Go down Moses, way down in Egypt land. Tell old Pharaoh, to let my people GO!" Perhaps as he sung its chorus, Omar Stratton visualized a freedom he might have to seek through the NAACP, on behalf of all the "colored folks" living in Riverside during the 1940s.

Mrs. Stratton-Taylor shared that her daddy believed that Riverside's colored citizens did not initially feel a pressing need to establish an organization on its behalf. He felt that this was probably because black people in Riverside "enjoyed" a subtle practice, which mirrored a type of benign neglect and de-facto segregation. Additionally, they could boast of some advancements, like home ownership, albeit, that most




were confined to the Eastside of town and semi-integrated schools, businesses, and professions. These advancements, however small, were significant to the colored citizenry of Riverside, particularly since throughout America, many African Americans were feeling the continued effects of Jim Crow and systemic racism, riots, lynching, and not being able to vote. In addition, they were being subjected to discrimination in employment, the military, and they had proverbial “separate but equal” reminders all around them.

However, on a night in 1941, something caused the colored people of Riverside to reconsider whether there might be a need for such an organization as the NAACP. On that night, colored soldiers and white soldiers from nearby bases were engaged in a game of softball, but sometime during this game, a near riot occurred. Because of high tensions arising between both groups of soldiers, as well as the attention the near riot was getting from on-lookers in the stands, several of Riverside’s prominent African American men did what they could to get the colored soldiers back to their bases quickly. Their reasoning for this was that they knew from the reaction of the white people present, that had they stayed, there would be trouble. In fact, from that night on and throughout the weeks to follow, the colored citizenry began to encounter many white people who were both quick to retaliate and to lay blame.

Alarmed with this new fact, several members of the black community began the organizing process to establish a branch of the NAACP. On September 26, 1942, the national office of the NAACP granted the group a charter. Mr. Omar Stratton became the group’s first president. He was quoted as saying “that from that day on, we never had another uprising and although we sometimes would run into opposition, most of the authorities were gracious in granting our desires and our relations with the city and county were on a high level.” In addition, for 35 years, the Riverside branch operated an award winning Head Start and childcare program on the Eastside of Riverside.

From the day the branch was officially chartered until now, socially conscious individuals in Riverside, from all walks of life, from all parts of the political spectrum, of all races and religions, have done something wonderful. They have dared to speak out for that which was right and against that which was wrong. They’ve all believed that civil rights and democracy was for everyone, not just for some. They have been unafraid to speak the truth and we are immensely proud that our founder, Omar Stratton, was a pathfinder who made it possible for us today to continue his legacy and his dream.

Waudieur “Woodie” Rucker-Hughes is president of the Riverside Branch of the NAACP.




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OPPOSING COUNSEL: SHUMIKA ROBINSON SOOKDEO

by Betty Fracisco

A Bright Light in our Legal World

Shumika Sookdeo might be what you would call a “late bloomer,” but she has bloomed, and the Riverside legal community will benefit from all the work she has done, and will do, to promote equal access to justice. As this year’s president of the Barristers, she plans to make everything that was done in the past even better, including expanding the Barristers’ judicial reception, which is scheduled for May. Shumika is a bright light in our legal world.

You might wonder about Shumika’s name. Both she and her husband’s roots are in Trinidad/Tobago, where there is a large East Indian population. Hers is a close-knit family, and she, her parents, and three siblings remain devoted to this day. She was born in Brooklyn, New York, and came to California at the age of four. After living in a few other locations, she came to Moreno Valley in the second grade, eventually graduating from Valley View High School. From there she progressed to University of California, Santa Barbara, where she majored in English and minored in both sports management and philosophy.

During college, Shumika decided she wanted to go to law school, and in her words, she “applied to law schools around the country.” She decided to attend Barry University, whose campus was in Miami Shores, Florida. Unbeknownst to her, the school’s Dwayne Andreas School of Law was located in Orlando, so she ended up spending the next few years in that city. During law school, she was the treasurer and vice president of the Black Law Student’s Association and competed in mock trial. After graduating, she took and passed the Florida bar exam and began practicing in Orlando. Initially, her interest was international law, but this changed when she had the opportunity to work in the Public Defender’s office. That exposure to and interest in criminal law stayed with her to this day. In time, she decided to return home to California and take the California bar exam, which proved tougher than that of Florida. Through this period, she credits her mentor, Kamola Gray, with helping her professionally and acting as her cheerleader.

Two days after she took the California bar exam, Shumika met her husband, Sheldon Sookdeo, at a party at her sister’s home. He provided emotional support during her “pass the bar” period and the start of her law practice. She clerked at the Riverside County Office of the Public Defender and



Shumika Robinson Sookdeo

familiarized herself with California criminal law practice, which she found far different from what she had experienced in Florida. She opened her own law practice, the Law Office of Shumika Robinson, initially specializing in criminal and family law, with the occasional unlawful detainer thrown into the mix. She credits attorneys Shauna Albright and Sandra Norman with providing advice and support during her early days as a solo practitioner. Today, her practice still handles misdemeanors and traffic, but the bulk of her business is family law. Some day she would like to venture into immigration and possibly

real estate, but she’s happy with the way her practice has evolved.

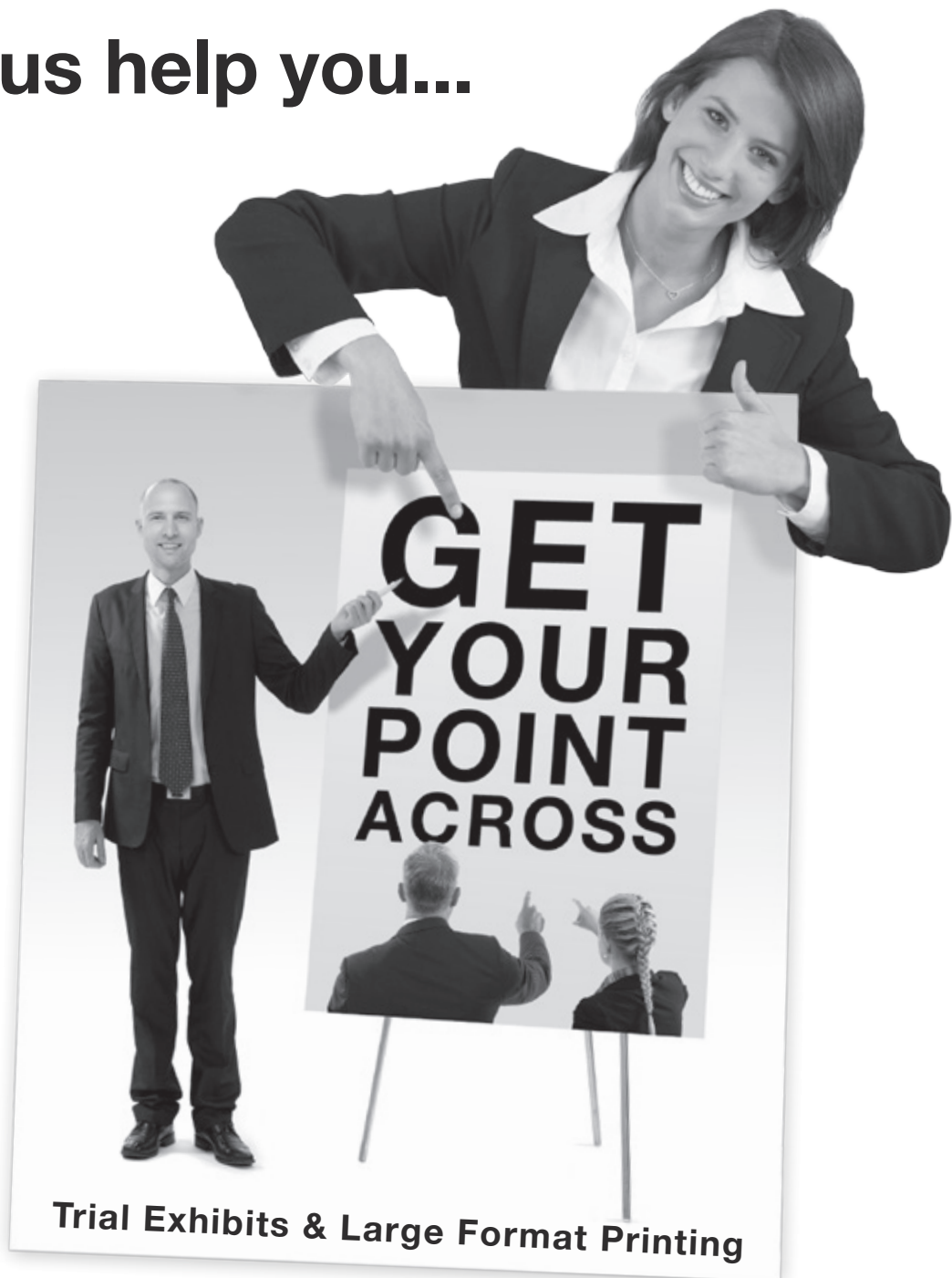
During her early days as a California lawyer, Shumika became active in a number of organizations in which she is still involved. These included the Richard T. Fields Bar Association, which she served as president from 2014-2015, the California Association of Black Lawyers, where she served as a board member and chairman of several committees, the California Commission For Access to Justice, in which she was a commissioner, and John M. Langston Board (in Los Angeles), where she has been the co-chair of the family law committee. Most recently she joined, then became a board member of the Riverside County Barristers, because she doesn’t like to sit back in an organization, but likes to be really involved. She is now their President.

In her personal life, Shumika married Sheldon Sookdeo in 2012. They married in Trinidad, with his father, a pastor, officiating. They both have dual citizenship. Sheldon is a fund administrator with an office in Pasadena, so they live halfway between Pasadena and Riverside. And most importantly, they are the new parents of a darling daughter, Soraya Aria (to which the interviewer can attest). In fact, Shumika is on maternity leave until February and hopes to keep a limited schedule until June. In July she, Sheldon and Soraya plan a trip to Trinidad to introduce the baby to her paternal grandparents and other relatives of both families who live there. When asked about her goals for her daughter, Shumika says she simply wants her to be a good person, “the sky’s the limit.” The same could be said for Shumika: she’s come a long way, but “the sky’s the limit.”

Betty Fracisco is an attorney at Garrett & Jensen in Riverside and a member of the RCBA Publications Committee.



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Christopher R. Aitken – Aitken Aitken Cohen, Riverside

Darren O. Aitken – Aitken Aitken Cohen, Riverside

Randall A. Baker – Law Offices of Gary A. Bemis, Riverside

Daniel Bermudez (A) – Smart Start Inc, Perris

Fred W. Edwards – Solo Practitioner, Chino Hills

Tiffany Y. Gruenberg – Wood Smith Henning & Berman, Rancho Cucamonga

Christopher M. Kiernan – Reid & Hellyer, Riverside

Kristin M. Kubec – Varner & Brandt, Riverside

Gina Maple (A) – Inland Counties Association of Paralegals, Riverside

Michael P. Milligan – Office of the Public Defender, San Bernardino

Daniel J. Ratajczak – Fabozzi & Miller, Temecula

Brian D. Shapiro – Law Offices of William D. Shapiro, San Bernardino


Jenny D. Shin – Law Office of Jenny Shin, Temecula

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