

# CHARLES OGLETREE: THE “GO TO” GUY

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*Derrick Bell\**

Professional sports teams speak of a “go to” guy, the player on whom the team relies when the score is close, the opponent is tough, and the game is on the line. This is an experienced player with exceptional skills, one who the team expects will deliver in the clutch. Whether or not designated as such, he is the team leader both on and off the field.

On the team of activist lawyers, my model of the “go to” guy was the late W. Haywood Burns, the former dean of the City University of New York Law School who in 1996 was killed in a tragic auto accident in South Africa. It is not simply that Haywood was involved in a great many social justice projects; it is that he took on projects that many of us thought needed to be done, but few of us wanted to do. Many of us appreciate Charles Ogletree because he has been willing to take on that role knowing that it involves at least doubling the work load for which you are paid, risking your health through the sheer mass of your undertakings, and causing your loving spouse a great deal of worry and frustration.

Someone needed to move the issue of racial reparations beyond the realm of passive, political debate. Charles did it by organizing the litigation against the City of Tulsa and the State of Oklahoma seeking financial compensation for the survivors of the 1921 massacre and destruction of the all-black area of Tulsa. Oh, we know he headed a large team of lawyers on this project, but we also know that Charles did much of the work.

Even having gathered a great deal of evidence of the massacre, including still living survivors, this was a very difficult case. Rather than address issues of liability, the courts, while acknowledging that the factual record was impressive, decided that this suit was barred by the statute of limitations and similar procedural rules. Even so, the litigation brought back to life a factual history that most wanted to keep buried. As students involved in the case learned, the law has built-in limitations that manifest themselves most often when the injustices for which relief is sought are most obvious in fact.

I know that in addition to his teaching, his writing, his lecturing, and his involvement in litigation, Charles also is either chair or a member of several boards of public interest organizations. These roles involve meetings, travel, fund-raising, and, yes, utilizing all his negotiating skill in bringing people of good will and wildly divergent viewpoints to sufficient consensus to enable the organizations to do substantive work.

His heavy schedule does not insulate Charles from family and friends seeking personal legal advice and representation. When, some years ago,

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\* Visiting Professor, New York University School of Law

my wife, Janet Dewart Bell, was an official in a municipal workers union where serious charges of wrongdoing had been brought, she spurned my advice that she not worry about a lawyer because she had done nothing wrong. Rather, she called Charles Ogletree who, along with a member of the New York University faculty, prepared her for the interviews with members of the prosecution team that confirmed her non-involvement.

Charles is a former student and long-time friend. He had been a member of the Harvard Law faculty only a few years when, in 1990, I announced that I would take an unpaid leave of absence from my faculty position there to protest the school's refusal to hire and tenure a woman of color. While few of my white colleagues were willing to offer even nominal support for my action, Charles called one evening to tell me that his wife, Pam, had just gotten a job and he was ready to join me in my unpaid protest. While I urged, given his non-tenured status, that he remain on the job, my late wife, Jewel Hairston Bell, and I welcomed and valued greatly Charles and Pam's courageous offer.

As this story indicates and as is so often the case, the "go to" guy is a "go to" team. And always their accomplishments are for the benefit of others. This is a regrettably unique motivation in our "what's in it for me" society. These faithful few serve as models, even ideals for the rest of us, reminders and encouragements that we should go and do likewise.