

A TRIBUTE TO TREE

*Angela Davis**

Some of us have been fortunate enough to know and be influenced by a truly great human being. For most of us, that person has not been a head of state, a celebrity, or a person of great wealth or fame. What makes the person great in our eyes is some unique combination of characteristics that allows him to make things better than they were before he came along, to always find and accentuate the good in everyone he meets, and, above all, to help the needy and downtrodden at every turn. For me, that person is Professor Charles J. Ogletree.

I met Charles Ogletree twenty-three years ago, when I began my legal career as a public defender in the District of Columbia. At that time, Tree (as he is known to many of his friends) served as the training director at the Public Defender Service for the District of Columbia (“PDS”). Soon after I began working at PDS, it became clear to me that there was something special about Charles Ogletree. He was not particularly large in stature, he did not have a great, booming voice, and he certainly was not a flashy dresser (we teased him about walking around with his comb and about a million papers and other things stuffed in his back pants pocket). And, while none of us drove fancy cars, Tree’s car was in a class by itself. I believe it was something called a T1000—a tiny Pontiac that looked like a death trap and was always in need of repair.

Despite his modest lifestyle and unassuming manner, Tree was the center of the Public Defender Service. To say that he was charismatic would be an understatement. But, unlike many charismatic figures, he was modest to a fault, a characteristic that made everyone love him even more. And *everyone* seemed to love and admire Tree—the lawyers, secretaries, social workers, investigators, jurors, and certainly his clients and their families. Tree treated everyone with the dignity and respect that every human being deserves—not just because it was the right thing to do, but because he genuinely respected and cared for most people and could see the good and worth of every human being.

Fellow lawyers admired Charles Ogletree because of his exceptional skills. When Tree walked into a courtroom, he filled it with his presence. He won cases that others dared not take to trial. His calm, conversational style instilled confidence and trust in jurors and judges. Tree was also a brilliant and skillful attorney. Everyone went to watch his trials—not just lawyers at PDS, but all the lawyers in the Superior Court building who

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wanted to learn something about trial advocacy or who just wanted to see an outstanding lawyer in the courtroom.

Tree represented many clients and won most of his trials. His representation of Mr. Skippy White¹ best illustrates Tree's extraordinary ability as a lawyer and his exceptional personal attributes. Mr. White was charged with a gruesome first degree murder. Soon after meeting Mr. White, Tree learned two things: that an insanity defense would be in Mr. White's best interest and that Mr. White was an avowed racist. Mr. White used the "n" word liberally, usually when referring to and addressing Tree and his co-counsel, Henderson Hill. Throughout his lengthy representation of Mr. White, Tree endured the difficulties inherent in representing mentally deficient clients in addition to Mr. White's almost daily tirades about how he "didn't want to be represented by no nigger."

In a testament to his character, Tree never wavered in his representation of Mr. White. It would have been quite simple to transfer the case to one of the many talented white lawyers at PDS. Certainly, under the circumstances, no one would have questioned Tree's decision to bow out of the case. But Tree knew that it was in Mr. White's best interest that he remain in the case; it was going to trial before a predominantly African American jury.² Even without the possibility of Mr. White's racist statements and behavior coming out during the trial, it would have been in his best interest to have an African American lawyer. Tree stayed in the case, and the jury found Mr. White not guilty. Tree's representation of Mr. White confirmed what everyone knew—that Charles Ogletree epitomized the spirit of a public defender. Even under circumstances as difficult as the representation of Mr. White, he always put his client's best interests first.

There comes a point in almost any defender's life when they question whether or not to continue doing the work. For some, it is the sheer magnitude of the work—the awesome burden of fighting for someone's liberty; for public defenders, the lack of available resources; or perhaps some personal experience that causes one to question whether one should continue to do the work. The Skippy White case would have shaken the faith of many. Charles Ogletree had an additional experience that understandably would have caused most defenders to move on to some other area of law.

In 1982, while Tree was a staff attorney at PDS, his younger sister was brutally murdered in Merced County, California. Like anyone who experiences the loss of a close family member, especially under such brutal circumstances, he and his family were devastated. His PDS family shared his grief. Many encouraged him to leave the agency. Tree had already done so much good for so many people. No one believed that he should endure the pain of constantly being reminded of the death of his beloved sister, especially through the representation of people who had committed some of the same horrible acts that took her life. Certainly, no ordinary human being would be expected to zealously continue this already difficult work, even under the best of circumstances. But Tree is no ordinary person. Shortly after his sister's death, he represented a client charged with the murder of

1. Skippy White is a fictitious name.

2. At the time the case was tried, most jury panels in the District of Columbia were predominantly African American.

a young woman, providing outstanding representation in a very difficult case. Not only did he continue to do the work as well as he ever did, but he later wrote about the experience in a thoughtful and moving article published in the *Harvard Law Review*.³

Tree went on to become the trial chief and deputy director of PDS before leaving to accept an offer to teach at Harvard Law School. His departure from PDS represented a turning point in the life of the agency. Tree was the heart and soul of PDS. Many of us considered leaving after he did and questioned whether the agency would survive his departure. Of course, it did survive and continues its excellent tradition of being the best defender agency in the country. But Charles Ogletree left his mark and continues to be the standard by which PDS lawyers measure their worth.

Although Professor Ogletree's departure from PDS was traumatic for many of us, it was only the beginning of the next chapter in his remarkable life. His influence at Harvard Law School cannot be understated. As a 1981 graduate of the law school and a current member of its Trial Advocacy Workshop visiting faculty, I can attest to the fact that the law school has changed for the better over the past twenty-four years. It is clear that Charles Ogletree has much to do with that positive change. He founded the law school's Criminal Justice Institute, served as director of the clinical program, and is currently the Jesse Climenko Professor of Law, vice dean for clinical programs, and now the founding director of the Charles Hamilton Houston Institute for Race and Justice.

Despite his numerous responsibilities as a professor and director of so many important programs at the law school, Professor Ogletree always has time for students and has consistently been a positive influence in their lives. Several years ago, I interviewed a young woman who was applying for a position as a law professor at the law school where I currently teach. She graduated from Harvard Law School in 1991. A member of the hiring committee asked her to name the law professors whom she would emulate and who served as a role model for her when she was in law school. The woman, who did not practice criminal law or work in any of Professor Ogletree's areas of expertise, said, "Oh, that's an easy question. There is only one—Charles Ogletree." She went on to describe his talents as a teacher and how much she and the other students loved his classes. I heard the same comments from countless students. His volunteer efforts to assist students are too numerous to recount.

Charles Ogletree is a prolific writer and scholar, writing and speaking about issues as varied as the effective assistance of counsel, peremptory challenges, the federal sentencing guidelines, *Miranda* rights, reparations, and the many different facets of racial injustice in America. His numerous scholarly articles have been published in a wide array of well-respected legal journals, including the *Harvard Law Review* and the *University of Pennsylvania Law Review*. Professor Ogletree's editorials have been featured in the *New York Times*, the *Boston Globe* and the *Los Angeles Times*. His most recent book, *All Deliberate Speed: Reflections on the First Half-Century of*

3. Charles J. Ogletree, *Beyond Justifications: Seeking Motivations to Sustain Public Defenders*, 106 HARV. L. REV. 1239 (1993).

Brown v. Board of Education, has received national acclaim. Professor Ogletree is a national television and radio personality, appearing regularly on shows such as the Today Show, Prime Time Live, Nightline, Larry King Live, and the nationally syndicated Tom Joyner Radio Show.

Professor Ogletree's work as a scholar is significant not only because of its importance and influence in the academy, but also because his work has such a great impact in the nation and in the world. Few scholars are able to successfully bridge the gap between the academy and the rest of the world or to make a difference and effect real social change in the lives of human beings. Charles Ogletree has always done both exceptionally well. It is no surprise that despite his great achievements as a professor at Harvard Law School, he continues to touch the lives of ordinary people every day. Whether it be the elderly survivors of the Tulsa Race Riot of 1921 or the student who needs a place to live and a job, Charles Ogletree makes the time to reach out.

And where does he find the time? This man is a law professor, author, practicing attorney, activist, and television and radio personality. He has over sixty publications and continues to represent clients in a variety of socially significant cases. Professor Ogletree is either the chair or an active member of the boards of countless charitable and non-profit organizations and academic institutions. He is also an active member of his community, and a wonderful father and husband.

So much more could be said about Charles Ogletree. He is one of the nation's greatest lawyers and scholars and has received countless awards and honorary doctorates for all of his achievements. But Tree's greatest attribute is his commitment to social justice and his passionate love and concern for all of humankind, especially those in the greatest need. He always finds time to help a friend or even a total stranger. I can think of no other person who has been so instrumental in the development of my professional career—as a defense attorney and now as a law professor. And he has always been there to advise and help me in times of personal difficulty and struggle. I am blessed that he has been a part of my life, and I know of so many people who have said the same—clients, lawyers, professors, students, and people in all walks of life. The world is a better place because of Charles Ogletree, and thankfully it will become even better because of all that he gives to improve the social fabric of the nation and the world.

Thank you, Tree.