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J. Clay Smith Jr.

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THE SANGUINARY PRIESTHOOD OF HERBERT O. REID, SR.

by J. Clay Smith, Jr.*

In 1915, seventy five years ago, our honored guest, Herbert Ordre Reid, Sr., was born in the city of Wilson, the seat of Wilson County, North Carolina. To use a phrase from Charles Dickens' TALE OF TWO CITIES, "it was the best of times and the worst of times." Unfortunately, for a large number of African Americans in Wilson, North Carolina, and beyond, the tale had but one episode--that of the worst of times.

When Herbert O. Reid, Sr., was pulled from the wound of his mother, and took his original breathe of life and cleared his eyes of the dew of gestation, he was greeted with the following celebrations:

- The fifty-eighth anniversary of the founding of Howard University, and,
- The fifty-sixth anniversary of the opening of the Howard University School of Law.

* Professor of Law, Howard Univeristy School of Law. This tribute was presented on September 28, 1990, at the Sheraton Washington Hotel, during a dinner honoring Dr. Herbert O. Reid, Sr. The purpose of the dinner was to raise money for a scholarship fund at Howard Law School named for Dr. Reid. See Milloy, A Tribute to Herbert Reid, Wash. Post, Sept. 25, 1990, at B3, col. 4; Counsel Herbert O. Reid, Sr. Wash. Afro-American, Sept. 22, 1990, at A6, col. 3.

The year of Dr. Reid's birth was marked by the twentieth anniversary of the death of Frederick Douglass, and the death of Booker T. Washington, who died in 1915. However, a new generation of African Americans, called the "New Negro," was rising in 1915, who themselves would soon understand the weighty challenges for freedom that they would wage. In 1915, Charles Hamilton Houston, who would later influence the life of Dr. Reid, and who would later be described as the architect of the modern civil rights legal movement, turned twenty, Howard University School of Law graduated a class of twenty-one, which included James B. Morris, who within ten years would become a co-founder of the National Bar Association.

Politically, Herbert Ordre Reid, Sr. was born in North Carolina during the governorship of William W. Kitchen, a Democrat, and during the presidency Woodrow Wilson, also a Democrat. Dr. Reid was born under the storm of war, World War I, a war into which the nation would soon be drawn. He was born in the same year that the Lusitania was sent sunk by a German U-20.

When Dr. Reid was born, the Nation was celebrating the nineteenth anniversary of the United States Supreme Court's Plessy v. Ferguson decision, a decision which upheld the right of the states to mandate the separation of the races in the use of public facilities. Herbert O. Reid, Sr. lived under the shadow of Plessy v. Ferguson until 1954, the year that the United States Supreme

Court decided Brown vs. Board of Education. Dr. Reid was almost thirty-nine years old when Brown was decided. It is ironic that the lad from Wilson, North Carolina was one of the signatories on the brief in one of the most important cases in the history of the Nation, the value of which today is being challenged. Dr. Reid was born during the year that "The Birth of a Nation" was released, a movie that distorted the story of black emancipation, and in the year that President Wilson invaded Haiti, a military act widely condemned by African Americans.

Herbert O. Reid, Sr. grew to manhood cursing the limitations placed upon his freedom, the lock^{ed} canals on his liberty and the disparagements on his equality. However, his Spiritual Father, seeing him falter on the cross of struggle, endowed him with a superior intellect, a robust laugh, a rye, sometimes dry, sense of humor, and a personality studded by an ironclad stubbornness.

Anyone who has worked with Dr. Reid knows that he has a mind that hardly ever stops ticking, especially during times when African Americans face political limitations in the Nation. Because Dr. Reid believes that the political rights of African Americans are always being challenged, his mind is always restless. Dr. Reid's mood swings have been most pronounced when his mind was preoccupied with liberty issues. I remember the weekend that he and I spent at Howard Law School writing a brief in Adams v. Richardson. I was then a junior lawyer, and it fell on me to do

what Dr. Reid told me to do. He dictated much of what became a brief to preserve the Nation's black colleges, a brief that was noted in the opinion of the court. As he dictated the brief, as he struggled to find the words to express the meaning of equality and anti-discrimination, his mood shifted from that of a passive scholar to that of an angry man. The same mood shift occurred when for twelve days and nights, we completed the amicus brief in the Bakke case which challenged the affirmative action policies in higher education. Dr. Reid's mood swings were the result of the pain that he felt in having to explain to the court what was known by the world: that affirmative action was a reasonable tool to increase a learned African American class for America.

I believe that Dr. Reid's hearty laugh, and his ability to laugh at himself has sustained him through the worst of times. We've seen him "cut a joke" too elusive for the mind to initially comprehend and then break out into the hearty laugh. Invariably, we realized that Dr. Reid had slipped another joke by us. We laughed with him.

That Dr. Reid has a stubborn side to him is an understatement. I do not know anyone who has been successful in treating this personality malady. When he doesn't want to do something, no one can persuade him to do it. When he wants to do something, no one can persuade him to reverse his resolve. Dr. Reid's ironclad stubbornness, I believe, has helped him in his dogged fight to

assist his people to gain equality in the Nation. On the question that the constitution should be interpreted to be an inclusive document, Dr. Reid has been stubborn. On the question of the need for more African American lawyers in the nation, Dr. Reid has been stubborn. On the resolve to preserve Howard University as a first rate institution, and its law school, Dr. Reid has been stubborn. On the question of Home Rule for the District of Columbia, Dr. Reid has been stubborn. On the support for Mayor Marion S. Barry, Jr., Dr. Reid has been stubborn. On allowing others to interfere with his life, or advice to slow down, Dr. Reid has been stubborn.

Dr. Reid brought his mind and his other attendant personality to Howard's law school, after Howard University (1938) and Harvard Law School (1945) had literally failed to remake the man that he had so remarkably made of himself. Dr. Reid was born to tell legions of Howard law students, like me, that we were needed in the legal profession. It was easy to be a student under Dr. Reid because he made the study of law easy to understand. He inspired and excited us when we observed his personal involvement in the major civil rights cases during the 1960's. He taught us, as his Harvard law professors, Edmund M. Morgan and Francis X. Dwyer, had taught him, that law was not solely an abstract set of rules unattached to human conduct. As students, he inspired us to stake out our rightful claims as citizens, to affirm ourselves as men and women with a mission to reach out, to what he called, the "restless hearts and wounded souls" of America.

Like Professor William H. Richards before him, who served thirty-nine years on the Howard Law faculty, Dr. Reid has touched hundreds of lawyers, who have matriculated through Howard's law school. There are men and women, who sit on the highest courts of southern states, who bear the "Reidian mark." One of those law graduates, Lawrence Douglas Wilder, is the Governor of The Commonwealth of Virginia. Another graduate, Leander J. Shaw, Jr., sits on one of the three branches of government of a state. In July of this year, Leander J. Shaw, Jr. became the first African American to become Chief Justice of a southern state, Florida, in the history of the Nation.

I fear to call upon your indulgence to identify the hundreds of law students that Professor Reid had taught and influenced over his forty-year career as a teacher. A few names are called tonight whose successes represent many, such as, Damon J. Keith, Julian R. Dugas, Dovey J. Roundtree, Harold and Annie Kennedy, Althea T. L. Simmons, John H. Goins, Alice B. Latimer, Charles P. Howard, Jr., Lionel R. Collins, Jeanus B. Parks, Adolpho A. Birch, Ordell Horton, Jr., John Brittain, Goler T. Butcher, Ruby L. Grant Martin, Henry L. Marsh, III, Vernon E. Jordan, Jr., David Clarke, Consuelo B. Marsh, ^{all} Roland W. Burris, Jerry S. Byrd, Harold Kipling Stubbs, Charles L. Fishman, Sharon Pratt Dixon, Warner Lawson, Jr., Haywood Patrick Swygert. Dr. Reid has taught at least three deans of the law school; namely, Paul E. Miller, John Thomas Baker, and myself,

as well as Alice Gresham Bullock, the Acting Dean of Howard's law school.

In closing, legal education has been a significant part of Dr. Reid's contribution to American law. The Herbert O. Reid, Sr. Scholarship Fund represents an opportunity for law students, who swim to the shores of Howard to benefit from the labors of Dr. Reid. These students will model their lives after the sanguinary priesthood of Herbert Ordre Reid, Sr.