



Charles Ogletree, Jr. was born in Merced, California on December 31, 1952, the eldest of five children to bless the union of migrant farm workers Willie Mae and Charles Ogletree, Sr. A bright child who exhibited an intellectual curiosity from an early age, Charles credits his parents and grandparents for whetting that insatiable thirst for knowledge.

He would matriculate at Stanford University where he earned Bachelor's and Master's degrees in Political Science before heading to Harvard Law School. Since graduating, he's enjoyed a storybook career as a public intellectual, between teaching at Harvard and moderating a host of television shows, perhaps most notably, "The State of the Black Union" and "The Fred Friendly Seminars." Furthermore, Professor Ogletree has been a frequent guest on everything from Nightline to Frontline to Tavis Smiley to Larry King Live to The Today Show to Good Morning America. As an attorney, he has represented a number of high-profile clients, most recently, fellow Harvard Professor Henry Louis Gates of "Beergate" fame.

Currently, Professor Ogletree is the Jesse Climenko Professor of Law at Harvard Law School where he serves as the founding and executive director of the Charles Hamilton Houston Institute for Race and Justice. He is also the author of seven books on race and the law, including his latest, "The Presumption of Guilt," a sobering deconstruction of the Gates case, specifically, and of racial profiling, in general.

He has received numerous awards and honors, including being named one of the 100 Most Influential Black Americans by Ebony Magazine. In the wake of the Sergeant Crowley-Professor Gates incident, Professor Ogletree continues to serve as special counsel to President Obama and as an advisor on police behavior to both Harvard University and the City of Cambridge. He holds several degrees: a [B.A.](#) (1974, with distinction), an [M.A.](#) (1975) in [political science](#) from

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in 1978. He also earned several honorary doctorates of Law, LL.D. from North Carolina Central University, New England School of Law, Tougaloo College, Amherst College, Wilberforce University, and the University of Miami School of Law. Ogletree worked on prominent cases; for instance he represented the jurist Anita Hill against Supreme Court Justice Clarence Thomas during the Senate Confirmation hearings.

The following interview was conducted in Summer 2010.

KW: What interested you in writing “The Presumption of Guilt,” a book about Professor Gates’ arrest?

CO: The main thing was that it clearly raised the issues of race and class, and offered the perfect opportunity to talk about our lagging effort to solve the problem of racial profiling, and also to notice that the issue is not restricted to those who find themselves frequently in the criminal justice system. So, I thought that part of the intrigue would be to show how wide an array of Black men find themselves presumed guilty when they haven’t committed anything close to a crime.

KW: I loved the second half of the book the best, where you have 100 prominent brothers talk about being profiled. I have personally been subjected to profile stops at least 25 times in my life. How do you feel about the official report on the Gates case which was recently released?

CO: I thought it was incredibly helpful in coming up with suggestions about going forward in terms of reaching out to and engaging the community, and in terms of community policing and examining whether charges like disorderly conduct can be administered in a neutral, professional and dispassionate way. On the other hand, when they said that both Sergeant Crowley and Professor Gates had missed equal opportunities to deescalate the situation, I thought that it was inappropriate and unfair to suggest that the citizen has the same power as the police in a situation like that. The police have the authority, the power and the responsibility to control the situation, because they have the powers of arrest.

KM: What about how Professor Gates handled himself?

CO: Professor Gates was angry and did ask why he was being treated like this. But that was because he had produced two forms of I.D., and had done everything the officer had asked him to do in identifying himself, and yet there were still questions about whether he was who he claimed he was. So, that’s why I think the review has a serious flaw when it equates the actions of Professor Gates with those of Sergeant Crowley.

KM: In his book “The Best Defense” your colleague Alan Dershowitz says that one thing they never teach you in law school is that any cop’s testimony is sacrosanct and treated like Gospel in the courtroom. So, I assume that in the Gates case you were up against the legal system’s inclination to rubber stamp a police officer’s word.

CO: Absolutely. The interesting thing though is that Alan Dershowitz praised my book in a very strong blurb, and wants to do even more about the issue.

KM: One of my editors, Howard Manly of the Bay State Banner, is among the 100 Black men whose profiling incidents are quoted in your book. I told him I’d be interviewing you, and he said he’d like to know what you think about the evolution of Barack Obama and his handling of so many crises on a daily basis.□□

CO: Howard’s a good buddy. What’s interesting about Obama is that he’s had the opportunity to make more judgments not just with his brilliant mind but with his big heart. That’s a good thing, because he has this cerebral quality. In addition, I have seen him grow enormously in both stating his case and learning more about politics, as well as in having this ability to multi-task. To think that with two wars and a financial crisis going on, he still was able to get a nearly \$800 billion stimulus package, healthcare, regulatory reform and extensions of unemployment benefits passed, is a sign of what he has done and can do. Far too much of it is overshadowed by the vehement resistance to him, but the reality is that he’s doing a terrific job under trying circumstances.

KM: You taught both Barack and Michelle at Harvard. What were they like as students?

CO: They had very different personalities. Michelle came from a very strong family. Her parents made it possible for her and her brother to go to Princeton. When she came to Harvard, she was a remarkable student who was committed to public service. While here, she worked with Legal Aid, which meant she represented poor clients in civil matters. I was convinced, back in 1985, that she was going to be the first Black female to become a U.S. Senator. It was clear that she had that capacity. Barack came after she had already graduated. He was the brightest person in the room, but he always reached out to make sure the voices of other students were heard. He had the balance of not only being great in the classroom, but a pretty impressive game on the basketball court, even though he was skinny with an unorthodox jump shot. And as smart as he was, he was humble, which enabled him to get elected the first Black President of the Harvard Law Review by his colleagues. Then, despite his academic success, he wanted to go back to Chicago to work as an organizer, which was extremely helpful to the community. So, he's had one success after another that's led him to the right place. It's been remarkable.

KM: Yale grad Tommy Russell would like to know, how hard was it having such a high-profile case? [The Gates case]

CO: It's actually, more of a strain on the client than the lawyer. I've represented everybody from Anita Hill to [Tupac Shakur](#), with so many others in between, that I don't mind the publicity, provided it doesn't violate my client's fundamental rights. What was interesting in this case was that people focused on class more than race, and saw Professor Gates as arrogant and aloof, even though in my view everything that he had to say was protected. The other point is that I hope the case sheds light on how it is within our capacity to solve a problem without regard to race, religion, gender or any other factor.

K

M: Attorney Bernadette Beekman asks, "What do you think will be the legacy of Skip Gates?"

CO: As much as he's accomplished as a MacArthur Genius Fellow, having written over a half-dozen books, having received numerous honorary degrees and other awards, and having the highest title granted any Harvard University Professor, he still will be remembered, unfortunately, for better or worse, for the arrest and the Beer Summit. But if it creates a teachable moment, he has no hesitation to use it as a learning experience for himself and for others who might encounter a similar situation.

KM: Larry Greenberg, son of Third Circuit Federal Judge Morton Greenberg, asks, "Am I now legally required to speak respectfully to a police officer? In other words, can someone be arrested simply for having a bad attitude?"

CO: The reality is much more complicated than that. Speech is one of the most cherished fundamental rights in our society. We have to be careful where we draw the line, even if the words are controversial, obnoxious, offensive or troubling. That's the reason I wrote the book, so that people understand that they have a First Amendment right to say reasonable things and to be heard, and to act in a defiant way, so long as they don't put themselves or the police office at harm.

KM: Both children's book author Irene Smalls and editor/legist Patricia Turner [of www.megadiversities.com] asked the same question. "Do you think we are in a post-racial era in the United States?"

CO: We're not in a post-racial era, because whether you're the President of the United States, walking along the street, entering a hotel or working in certain places, race still matters.

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We may have one Black man in the White House, but we have one million Black men in prison. So, we still have that and many other fundamental problems, like unemployment, mortgage foreclosures and a lack of healthcare. So, my sense is that we all have to fight as diligently as we can to create a post-racial environment. But it's a little premature to say that we're there yet, even though it's a significant shift in the political climate to have the country elect an African-American President.

KM: Rudy Lewis says, "Though class is a corrosive element in America's racial conflict, isn't the heart of the problem a lack of resolution of Blackness and Whiteness among both Blacks and Whites?"

CO: I think it's class. And I think class is the understated factor, and that's why I wrote about it as a key factor. One would hope that if you've worked really hard and achieved some semblance of success that you've earned the right to be treated with a certain level of dignity and success. But as the book makes clear, you're going to be judged by the color of your skin, not by the year, make and model of your car or by the suits that you wear. Consequently, it has not changed that people who are successful are still presumed to be a part of the criminal element. It's as big a problem in 2010, in some respects, as it was decades earlier. **K**

M: Have you read "The Rage of a Privileged Class" by Ellis Cose?

CO: Absolutely. In fact, I'm one of the people he's interviewing for Part 2. He's writing a follow-up about the rage which flows in the wake of the disappointment at the denial of one's true merit, skills and abilities. About the frustration at having to be twice as good in order to be considered equal to peers that happen to be White.

KM: What was your secret to breaking through barriers to reach the pinnacle of success?

CO: Three things: First, nurturing parents and grandparents who had nothing but an abiding faith that things would get better for their children and grandchildren, and who prayed for that day to happen. Second, a thirst for knowledge that came as a young kid, and being able to read books to think things through and to grow intellectually. And third, remarkable mentors, some known and unknown. And these three keys to my success are only important if I can pass them on not only to my children to everyone I encounter in life.

KM: Is there any question no one ever asks you, that you wish someone would?

CO: Yes, why is this all important for the future? I have three young granddaughters who haven't encountered the issue of race yet. I really hope that we, as those with the powers to set the tone, don't poison them by producing racial and even gender stereotypes that make them judge people by the color of their skin rather than as Dr. King said by the content of their character. That has to be our mission, and I'm hoping that we'll achieve it.

KM: The bookworm Troy Johnson question: What was the last book you read?

CO: I'm actually reading three books right now. The Bridge by David Remnick. The Audacity to Win by David Plough. And The Breakthrough by Gwen Ifill.

KM: The music maven Heather Covington question: What was the last song you listened to?

CO: John Coltrane's My Favorite Things. It's a great song that has a message that's timeless and timely.

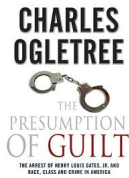
KM: The Ling-Ju Yen question: What is your earliest childhood memory?

CO: Libraries. Just going to libraries, and dreaming that I was somebody else, somewhere else. As the Southern Pacific Railroad rolled through the center of my hometown, I would

imagine myself climbing aboard it to travel the world. Childhood dreams of the improbable are the very key to who I am today, so I will always cherish those fantasies. **KM: Second, what do you want your legacy to be?**

CO: He was able to enter the door because of the help of others. And he not only left the door open but let a rope down to bring others in to follow his pursuits.

"Speaking Truth To Empower."



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[Good Morning America](#)

[Larry King Live](#)

Cochran and Company

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[Tavis Smiley](#)

[Frontline](#)

[America's Black Forum](#)

[Meet the Press](#)

[NBC news](#)

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[O. J. Simpson murder case](#)

Works:

- *The Presumption of Guilt: The Arrest of Henry Louis Gates, Jr. and Race, Class and Crime in America* ([Palgrave-Macmillan](#) 2010)

- *When Law Fails* (Charles J. Ogletree & Austin Sarat eds.)

- *From Lynch Mobs to the Killing State: Race and the Death Penalty in America* (ed. with Austin Sarat,

[New York University Press](#)

2006)

- *All Deliberate Speed: Reflections on the First Half-Century of Brown v. Board of Education* (

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Contributor to books:

Faith of Our Fathers: African-American Men Reflect on Fatherhood ed. by Andre C. Willis *Reas on and Passion: Justice Brennan's Enduring Influence Lift Every Voice and Sing*, 2001
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Ogletree, Charles J. "Court Should Stand By Bake Ruling," Boston Globe, April 1, 2003, Op-Ed. Ogletree, Charles J. "The Future of Admissions and Race," Boston Globe, May 20, 2002, Op-Ed. Ogletree, Charles J. "Litigating the Legacy of Slavery," New York Times, March 31, 2002, Op-Ed. Ogletree, Charles J. "The U.S. Needn't Shrink from Durban," Los Angeles Times, August 29, 2001, Op-Ed. Ogletree, Charles J. "The Real David Brock," Boston Globe, June 30, 2001, Op-Ed. Ogletree, Charles J. "The Court's Tarnished Reputation," Boston Globe, December 12, 2000, Op-Ed. Ogletree, Charles J. "Why Has the G.O.P. Kept Blacks Off Federal Courts?" New York Times, August 18, 2000, Op-Ed.

- Reports or Studies:

Ogletree, Charles J. "Judicial Excellence, Judicial Diversity: The African American Federal Judges Report" (2003).

□□□□□□□□ Presentations:

- Ogletree, Charles J. A Call to Arms: Responding to W.E.B. DuBois's Challenge to Wilberforce, Wilberforce University Founder's Day Luncheon (February 11, 2003).
 - Ogletree, Charles J. Grinnell College Special Convocation Address (January 22, 2003).
 - Ogletree, Charles J. Remembering Dr. King's Legacy: Promoting Diversity and Promoting Patriotism, King County Bar Association MLK Luncheon (January 17, 2003).
 - Ogletree, Charles J. Baum Lecture, University of Illinois Urbana-Champaign (November 2002).
 - Ogletree, Charles J. University of California-Davis Barrett Lecture: The Current Reparations Debate, University of California-Davis Law School (October 22, 2002).
 - Ogletree, Charles J. Why Reparations? Why Now?, Buck Franklin Memorial Lecture and Conference on Reparations, University of Tulsa College of Law, Oklahoma (September 25, 2002).
 - Ogletree, Charles J. Northeastern University Valerie Gordon Human Rights Lecture, Northeastern University School of Law (April 2002).
 - Ogletree, Charles J. Sobota Lecture, Albany School of Law (Spring 2002).
 - Ogletree, Charles J. Mangels Lecturship, University of Washington Graduate School (Spring 2002).
- Contributor to periodicals, including:

□□□□□□□□□□□□ *New Crisis*

Public Utilities Fortnightly [Harvard Law Review](#) **Awards:**

National Conference on Black Lawyers People's Lawyer of the Year Award

Man of Vision Award, Museum of Afro-American History (Boston, MA)

Albert Sacks-Paul A. Freund Award for Teaching Excellence, Harvard Law School, 1993

[Ellis Island](#) Medal of Honor, 1995

Ruffin-Fenwick Trailblazer Award

International House of Blues Foundation Martin Luther King, Jr., Drum Major Award

Justice Louis Brandeis Medal for Public Service

21st Century Achievement Award, [Urban League](#) of Eastern Massachusetts

named among [National Law Journal](#) list of America's 100 Most Influential Lawyers, 2000

Equal Justice Award, National Bar Association

Charles Hamilton Houston Medallion of Merit, Washington Bar Association, 2001

named among [Savoy magazine](#) list of 100 Most Influential Blacks in America, 2003

Honorary doctorates of law from [North Carolina Central University](#) , [New England School of Law](#) , [Tougaloo College](#) ,
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Award of Merit, Public Defender Service Association, 1990

Personal Achievement Award, [National Association for the Advancement of Colored People](#) and the Black Network, 1990

[Nelson Mandela](#) Service Award, National Black Law Students Association, 1991

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[National Bar Association](#) , Presidential Award for The Renaissance Man of the Legal Profession, 1996

Washington Bar Association, Charles Hamilton Houston Medallion of Merit, 2001

[William Robert Ming Advocacy Award](#) , [National Association for the Advancement of Colored People](#) , 2004

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