



## U.S. Department of Justice

Office of the Associate Attorney General

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Deputy Associate Attorney General

Washington, D.C. 20530

## FACSIMILE TRANSMITTAL COVER SHEET

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TO:

John Podesta

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FROM:

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COMMENTS:

Deval Patrick Information

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## U.S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

January 13, 1994

ConfidentialMEMORANDUM

TO: Bernard Nussbaum  
White House Counsel

Phil Lader  
Deputy White House Chief of Staff

FROM: Webster L. Hubbell

SUBJECT: Deval Patrick

The Attorney General and I are pleased to recommend Deval Patrick as the nominee for the position of Assistant Attorney General for Civil Rights.

Mr. Patrick would be an inspiring leader not only for the Civil Rights Division, but for this Administration's civil rights agenda. Raised on the South Side of Chicago and no stranger to racism, Mr. Patrick holds a keen awareness of the real and human problems underlying most civil rights cases. He would add a much needed burst of energy and enthusiasm to the work of the Civil Rights Division. Equally as important, Mr. Patrick has a good grasp of the civil rights laws, having worked at the NAACP Legal Defense and Educational Fund from 1983 through 1986 and having litigated a number of pro bono civil rights cases while in private practice from 1986 to the present. Finally, his reputation as a litigator is excellent. Mr. Patrick enjoys strong support from those with whom he has worked and studied, including, most notably, NAACP Legal Defense and Educational Fund Executive Director Elaine Jones, former Dean of the Harvard Law School James Vorenberg, 9th Circuit Judge Stephen Reinhardt, and U.S. District Judge Reginald Lindsay.

Attached is Mr. Patrick's resume and a Boston Globe profile of Mr. Patrick and Judge Lindsay.

I. Personal and Academic Background

Deval L. Patrick, an African-American man, was born in his grandparents' apartment on the South Side of Chicago on July 31,

DETERMINED TO BE AN ADMINISTRATIVE

MARKING INITIALS: DB DATE: 5/23/18

1956. After attending primary school in the projects, Mr. Patrick received a scholarship to attend Milton Academy from "A Better Chance," a group that provides prep school scholarships to meritorious students from non-traditional backgrounds. Mr. Patrick graduated from Harvard College in 1978 and received his law degree from Harvard Law School in 1982. At law school, Mr. Patrick was president of the Legal Aid Bureau and the winner of the final round of the Ames Moot Court Competition. In between college and law school, Mr. Patrick traveled in East and West Africa on a Michael Clark Rockefeller Memorial Traveling Fellowship.

Mr. Patrick currently lives in Milton, Massachusetts with his wife, 2 children and his mother. Diane Patrick, formerly a partner at the law firm of O'Melveny and Myers, is the head of Human Resources at Harvard University.

## II. Career Background

Upon graduation from law school, Mr. Patrick clerked for Judge Stephen Reinhardt (9th Cir.). From 1983 to 1986, Mr. Patrick worked for the NAACP Legal Defense and Educational Fund as a staff attorney. While at LDF, Mr. Patrick worked primarily on death penalty cases; he helped to prepare the brief and argument for the Eleventh Circuit and the Supreme Court in the well-known case McKleskey v. Kemp, 481 U.S. 279 (1987) and 753 F.2d 877 (1985), challenging the racially discriminatory application of Georgia's death penalty. Mr. Patrick was also involved in two voting rights cases, including ACORN, et al. v. Clinton, et al., Civ. Action No. LRC-84-808, with Lani Guinier as co-counsel.

In 1986, Mr. Patrick moved to Boston, taking a job with the litigation department of the private law firm of Hill & Barlow. His practice has primarily been in commercial litigation, although he has spent an average of 25% of his time on pro bono matters, including several civil rights cases. Recently he was involved in negotiating a settlement with BayBank in Boston over claims of lending discrimination against African American borrowers. Perhaps his most best known recent client is Desiree Washington, whom he represents in her civil suit against former boxer Mike Tyson.

## III. Potential problems

We see two main drawbacks. First, only 37 years old, Mr. Patrick may appear to many to be too young for the job. It is true that Mr. Patrick is younger than other candidates we have considered and because of that has more limited experience as a litigator. Outside of his three years at LDF, he has only litigated a handful of civil rights cases. However, it was clear in our interviews that his roots have given him a maturity beyond

his years. Second, much of his civil rights litigation has involved challenging the imposition of the death penalty.

Mr. Patrick also indicates that he has to pay social security taxes on two household employees: (1) in 1985, after the birth of their first child, the Patricks hired a woman who worked in their home for about nine months; and (2) since moving to Boston in 1986, they have hired a young neighbor in the summers to mow their lawn.

Finally, as an undergraduate at Harvard, Mr. Patrick joined an all male senior club. Several years later, when the club was sued by female students wanting to join, Mr. Patrick wrote a letter urging the club to accept women. The club refused and Mr. Patrick resigned his graduate membership. The club now accepts women.

Attachments

## DEVAL L. PATRICK

Hill & Barlow  
One International Place  
Boston, Massachusetts 02110  
(617) 439-3555  
(617) 439-3580 FAX

Education

- 1979-82 HARVARD LAW SCHOOL CAMBRIDGE, MA  
J.D., June 1982. President of Legal Aid Bureau.  
Winner of final round Ames Moot Court Competition.
- 1974-78 HARVARD COLLEGE CAMBRIDGE, MA  
A.B. cum laude, June 1978. Concentration in English  
and American Literature. Member of Dunster House  
Committee (1975-78); Treasurer (1976-77); Chairman  
(1977-78). Member of Phillips Brooks House Assoc.  
Financial Board (1977-78). Dunster House squash  
team.

Law Clerkship

- 1982-83 Law clerk for Judge Stephen Reinhardt, United States  
Court of Appeals for the Ninth Circuit.

Work Experience

- 1986- HILL & BARLOW BOSTON, MA  
present Partner, Litigation Department. Commercial and  
civil rights litigation and legal counselling on  
behalf of both defendants and plaintiffs, including  
appellate practice. Former Member, Hiring and Pro  
Bono Committees.
- 1983-86 NAACP LEGAL DEFENSE AND NEW YORK, NY  
EDUCATIONAL FUND  
Staff attorney involved in general civil rights  
practice, particularly in capital punishment and  
voting rights cases.
- Summer, HELLER, EHRMAN, WHITE SAN FRANCISCO, CA  
1981 & MCAULIFFE  
Summer law clerk in general litigation and corporate  
matters.
- Summer, SQUIRE, SANDERS & DEMPSEY WASHINGTON, D.C.  
1981 Summer law clerk in general litigation and corporate  
matters.

Summer, WINSTON & STRAWN CHICAGO, IL  
 1980 Summer law clerk in general litigation and international corporate matters, as well as extensive involvement for state prisoners in class action brought under the federal Civil Rights Act.

Summers, FIRST NATIONAL BANK OF BOSTON BOSTON, MA  
 1977-79 Intern with the Bank's Mid-East/Africa Group.

Summers, CHEMICAL BANK NEW YORK, NY  
 1975-76 Intern in both Mid-East/Africa (1975) and Southeast Asia (1976) banking areas.

### Other Activities

Member, Boston Bar Association Council (1993- ). Director, Harvard University Alumni Association (1993- ). Member, Board of Overseers, WGBH (1992- ). Member, Board of Overseers, Boys & Girls Clubs of Boston (1992- ). Vice Chair, Mass. Judicial Nominating Council (1991-93). Director, National Board, NAACP Legal Defense Fund (1991- ). Corporator, Milton Hospital (1991- ). Member, New England Steering Committee, NAACP Legal Defense Fund (1986- ); chairman (1990- ). Trustee, Milton Academy, Milton, Massachusetts (1985- ); member, Executive Committee (1987- ); chairman, Long-Range Planning Committee (1988-90). Director, Planned Parenthood League of Massachusetts (1990-91). Trustee, Thompson Island Outward Bound School (1990-91); member, Executive Committee (1990-91); member, Personnel Committee (1990-91). Chairman, Selection Committee for the Mellon Public Interest Law Scholarship (1989-91). Member, Advisory Committee on Shareholder Responsibilities, Harvard University (1988-90). Member, Council of Individual Rights and Responsibilities Section, Massachusetts Bar Association (1988-89). Member, Selection Committee for the Michael Clark Rockefeller Travelling Fellowship (1981-85).

### Academic and Other Honors

George S. Leisure Award for Excellence in Advocacy, Harvard Law School (1981). Michael Clark Rockefeller Memorial Travelling Fellowship Award (1978-79) (worked and travelled in East and West Africa). LL. George C. Lee, Jr. Memorial Award, Harvard College (1976-78). Harvard Club of Chicago Scholarship Award, Harvard College (1975). R.F. Herrick Class of 1916 Scholarship Award, Harvard College (1975). Harvard College Dean's List (1974-78). National Merit Outstanding Negro Commendation (1974). Listed in Who's Who in American Law (5th and 6th editions). Listed in "Names and Faces to Watch in 1993," Boston Magazine (December 1992).

**Bar and Bar Association Memberships**

Admitted to practice in California (1983); District of Columbia (1985) and Massachusetts (1987). Also admitted to practice before the United States Supreme Court, the United States Courts of Appeal for the First, Fifth, Ninth and Eleventh Circuits, and various federal district courts. Member, American Bar Association; National Bar Association; Massachusetts Bar Association; Boston Bar Association; Conference of Minority Partners in Majority/Corporate Law Firms.

**Personal Background**

Born in Chicago, Illinois. Married, with two children. Speak some French. Enjoy reading, squash, letter-writing, jazz and classical music, the theatre, the opera and cooking.

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September 23, 1993, Thursday, City Edition

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LENGTH: 4409 words

HEADLINE: PARTNERS IN POWER;

Deval Patrick and Reginald Lindsay took different paths from poverty to a top Boston law firm

BYLINE: By Wil Haygood, Globe Staff

BODY:

One scratched his way out of Birmingham. Got out of that place because of his grandmother, because of LBJ, you might say, because Rosa Parks wouldn't move her tail to the back of an Alabama bus, you could say. Scratched all the way to Boston, to Dorchester and Roxbury, places with attitude, places Reginald Lindsay needed to be to remind him of Birmingham, because you really can't quite leave a place you were born to, drank milk from, even if it was a place much touched by horror.

The other cruised from Chicago into New England, first Milton Academy, then Harvard, then Harvard Law School, green grass and clear air everywhere. Deval Patrick didn't have a darn thing to do with Roxbury. That's what pained his jazzman father. Deval Patrick was a boy without pedigree who invented his own pedigree.

Deval Patrick, 37, came to the prestigious Boston law firm of Hill & Barlow in 1986. Reginald Lindsay was already there, the first and lone black partner. Reginald Lindsay was full of Birmingham, and he was full of Morehouse College. "Wise," as Patrick concluded about Lindsay, 48, who has just been nominated by President Clinton to be a federal judge. Reginald Lindsay was like an old black man at ocean's edge who needn't go in the water anymore because he's seen both sides, seen Jericho. Milton and Harvard and Harvard Law: That's different from Lindsay's Birmingham and Morehouse. You might get over there, with the pedigreed crowd, and not be able to come back. Might not want to come back. Just might lose one's self.

"When he first came to Hill & Barlow I didn't think we'd get along," Lindsay says of Patrick. "I thought we were very different. He went to Milton, Harvard, Harvard Law School. He came from Chicago. I came from Birmingham."

What Reginald Lindsay needed to see, what he looked and listened for, what anyone from the South Side of Chicago or hard-luck Birmingham knows when he sees it and laments when he doesn't; what the mighty fall for a lack of, what the meek can possess, thereby lifting them up, what Reginald Lindsay couldn't exactly tell if Deval Laurdine Patrick possessed, what sweeps and connects generations, what finally brought them together, was this one thing that can't quite be touched but can be felt, remembered, honored: Soul.

One is haunted by the South, the other by a father's wailing saxophone.

When Deval Patrick was 4 years old his father split, left Chicago with the wind at his back. Thelonious Monk was hot in New York City, and Pat Patrick joined up. Some musicians feel cursed, loving both family and the music, opting for one over the other. Pat Patrick wanted jazz more than a family life. The mother and sister and Deval lived in a basement apartment on the city's South Side, right there at 79th and Calumet. There were two bunk beds and three

bodies. Every third day someone - mother, sister or brother - would sleep on the floor. Sometimes Sonny, Emily Patrick's brother, came by, hounded by the heroin in his veins. Emily Patrick scolded her brother with her eyes. Then she fed him: hard to turn a cold eye toward family.

There was, over the years, some moving around, in and out of the grandparents' home, doors swinging open to get the children in from the cold. Young Deval went to the Mary C. Terrall school. That school abutted the Robert Taylor Homes, one of the roughest projects in America.

Patrick was first in his class in the eighth grade. By then Chicago was edgy and on fire. The Woodlawn riots, which erupted in the aftermath of the Watts riots, were lethal. Mayor Richard Daley unleashed his cops on young protesters at the 1968 Democratic National Convention. Blood spilled. The bull-necked Daley harrumphed that his city had broad shoulders all right, and they weren't about to go slack. A lot of black and white antagonisms stained the city.

Deval had to slip a pass under his elementary school doors to get inside. He thought that weird. And he figured "that's what high school would have been like: grim."

#### Patrick's better chance

A teacher told Deval Patrick about a Boston-based program called A Better Chance. It provided disadvantaged kids with scholarships to prestigious prep schools.

Patrick applied to Milton Academy. "I just got a letter one day from Milton," he recalls. "It said you are admitted to Class 4. I wasn't sure it wasn't a military academy until I got there. The whole letter was in a language I didn't quite understand."

They told him to bring a jacket. His grandmother got the boy a windbreaker. The Milton folks had had something different in mind: blue blazer, with buttons, something for dinner, for dining. "A jacket on the South Side is a windbreaker," says Patrick.

When her son left, someone asked Emily Patrick if she was afraid, with Deval going all the way to Boston, cold up there; and she sensed they meant more than just the weather. "He knows what he has here. He can always come home," she said. That made Deval feel good. He wasn't being sent out into the world to do or die, just to do, to try.

It was the fall of 1970 when he arrived on the Milton campus, a gilded place surrounded by cool country roads. He was "scared to death," he remembers. For the first time in his life, however, he had a room all his own. The air was clear, the lawns manicured and green.

There were doubts, small doubts. It was a strange town, a different school, his side of Chicago a world away. Then small good things began to happen. At a school assembly he recited Kipling's "If." Francis Millet was there. Of course Millet would have been. He was the Latin teacher - "a very dry and formal sort of person with this incredible heart and soul," recalls Patrick. When Patrick finished the poem he looked over at Millet. The teacher had tears in his eyes. "That's the kind of thing that makes a kid like me - or a kid from Nepal - believe that things are going to work out," says Patrick.

When the first holiday rolled around he looked around and saw kids leaving for Boston, for the islands, for their parents' second homes. A. O. Smith was Patrick's English teacher. Smith had been at Milton for four decades. You'd have thought he was born there, under a desk, behind a chalkboard. A. O. Smith liked Deval Patrick, and so did his wife, Aubrey, and they didn't really know if it was his youth, his Chicago background, or if, if, in fact, Kipling held the answer: "If you can fill the unforgiving minute/With sixty seconds' worth of

distance run, /Yours is the Earth and everything that's in it, /And - which is more - you'll be a Man, my son!"

"He was so at ease with who he was, and that made it possible for him to open up to a whole group of people," Patrick says about A. O. Smith.

"We took him to the Cape with us," Aubrey Smith now recalls about the trips she and her husband took Patrick on, "to chop wood, drink hot chocolate and talk about the world."

When Deval Patrick went home for a visit to Chicago, he carried some of the clear air of Milton with him; it hung in his lungs. "He talks like a white boy," his sister blurted out one day. There was silence in that South Side apartment. His grandmother could feel the heaviness. "He speaks like an educated boy," the grandmother explained. And that settled that.

When he graduated from Milton it was a good day, a sunny day. Mom had come up from Chicago. So had the grandparents. No one expected Pat Patrick, the father. "He was more attuned to the risk of what was being lost," Patrick says about his father's feeling about him being at Milton. "He felt mistrustful of the community I was in." They hadn't heard from Pat Patrick in years, anyway.

And on that sunny day the family looked around and they couldn't believe it, it certainly looked like him and yes it was him, and no one knew how he got there but there he was, standing on the edge of it all, among the gowned students, Pat Patrick himself. Emily Patrick hadn't seen her husband in years. He just appeared, invited himself. Truth be told, some strong words were said that afternoon, but the glory of the day drowned a lot of it out.

Maybe the wailing father - Pat Patrick - who is now dead, was trying to say to his only boy, beware the green grass. And maybe he was also trying to say, in those days he was showing up to be near the boy, his eyes burning with fury at a son he wondered about, knew he had, in a way, lost, that ghosts must be stared down because they won't die. Not in Birmingham. Not in jazz clubs. Not in Boston.

"For a long time he felt so suspicious of my experience at Milton," Patrick says of his father. "I think he thought I was learning at Milton how not to respect the life choices he had made."

The Milton kid who showed up on campus without a proper blue blazer finally got one, before graduation. The jazzman father sent it along.

#### The halls of Harvard

Deval Patrick applied to five colleges: Yale, Princeton, Georgetown, Trinity . . . and Harvard. He dreamed of Harvard. "A. O. had been to Harvard," he says. He got into all five. Harvard's acceptance letter was written in beautiful calligraphy.

When word of the Harvard acceptance came he broke across the Milton campus to phone Chicago, tell his mom and grandmother.

"Gram," he said, "I'm going to Harvard."

She was happy, just happy for the boy to be getting an education. "Now," she asked, "where is that?"

He entered Harvard in the fall of 1974. He majored in English and American literature. A Midwesterner, he fell in love with American writing, particularly Mark Twain. Loved Harvard, things Harvard, that Harvard world on the edge of Cambridge. Didn't talk much about the jazzman dad, who was out earning a living, living as jazzmen live, between cities and roads and hope and mercy and the moon itself.

When Deval Patrick graduated from Harvard he received a Rockefeller Fellowship to travel and study in the Third World. It was worth \$ 5,000. That was a thin amount of money to live on for a year, which was the foundation's point: if you were going to the lap of poverty they didn't want you living high on the hog.

He went to the Sudan to work with the United Nations. He traveled along the Nile. He bummed rides across the desert. It was important for him to get to know the people, the cultures, the languages. He picked up a lot, both in culture and language. "If you listen carefully you can learn a lot," Patrick says. "That's something I learned from my father."

Out there in the desert, tucked into his backpack, was an application for Harvard Law. There was a bit of whimsy to the way Deval Patrick thought of Harvard Law: He would neither exult if he got in nor cry if he didn't. One evening, in the desert, he pushed together sand, made a mound, flicked on his flashlight, and filled out the application to Harvard Law. "The essay was so easy to write," he now says, "because there's nothing like travel to give you a perspective on things back home."

When his desert travels landed him in Khartoum, there was a telegram: Harvard Law had accepted him. He began law school in the fall of 1979.

Deval Patrick glided through Harvard Law, rather beautifully. He won moot court competition. That's nothing to blink at: It's a competition judged by a Supreme Court justice. Clerkships for federal judges are coveted by Harvard Law School students. Patrick went to work for Federal Judge Stephen Reinhardt of the Ninth Circuit Court in Los Angeles. "I knew the first five to 10 minutes after the interview I wanted him," says Reinhardt. Reinhardt recalls Deval Patrick was missing

Milton and Harvard and Harvard Law School. It had all been fine, special. After the clerkship some tony San Francisco law firm begged Patrick to come aboard. The grass kept getting greener. But something was missing. Call it an edge, call it the unsaid warnings from an old jazzman.

Deval Patrick found himself in New York City, sitting in the NAACP Legal Defense offices, being interviewed by Jack Greenberg. Maybe it was less interview and more simply getting to know each other, because Greenberg asked Patrick what he wanted to do. Patrick said voting rights. Greenberg offered capital punishment cases, the death penalty. "There'll be very little supervision" is what Greenberg said.

The NAACP Legal Defense Fund made the reputations of Spottswood Robinson and Greenberg himself and of course Thurgood Marshall. It's heady company.

Just like that Patrick found himself in the Deep South, working feverishly to lift condemned inmates from the abyss. There was another NAACP lawyer he worked alongside, and they won a lot of cases - "again and again on constitutional grounds," recalls Patrick. That other lawyer was someone by the name of Lani Guinier, who had a painful brush with Washington power politics recently when she was wooed, then dumped, by President Clinton for the post of assistant attorney general for civil rights. Guinier's legal writings drew the wrath of conservatives. Working death penalty cases was law and mercy in the real sense, from Georgia to Texas to Florida to Mississippi to Alabama. There are groups in those states awash in death penalty emotion. In the Deep South the dead have been dying at an alarming rate during the past decade.

"I've gone to prisons to tell clients their appeals have been successful," says Patrick. "And I've gone to prisons to tell clients we lost, and goodbye, because they were within hours of execution."

He did have an opportunity to dip into the Voting Rights quagmire in the Deep

South. He and Guinier tried the case together in Alabama. Some blacks in Selma had arranged a voter registration drive. It involved absentee ballots. The drive was plenty successful, but they ended up being charged with voter conspiracy. Two camps formed, white and black. The trial was bitter. There were KKK figures in attendance and there was the NAACP Legal Defense team of Patrick and Guinier.

The Patrick-Guinier team won on all counts. When the two lawyers looked around the courtroom the old black men and women of Alabama were singing - hymns, Negro spirituals - and they were clutching worn Bibles. "It was a very moving experience," Patrick recalls.

Next Patrick and Guinier dropped in on then-Arkansas Gov. Bill Clinton. They sued Clinton over a voting rights issue. "Nothing personal. We settled the case" to our satisfaction, says Patrick.

When the first of Deval Patrick's two daughters was born, he and his wife, Diane, agreed it made sense to ease up on the traveling. The family came to Boston. Milton, Harvard, Harvard Law: It wouldn't be difficult to get some interviews lined up with some local firms.

Hill & Barlow made a pitch. That was the old Dukakis law firm. Something kept happening during Patrick's round of interviews at Hill & Barlow. Everyone would mention Reginald Lindsay. "Have you met Reg Lindsay?" they'd want to know. It was a neat little build-up, and Patrick imagined, just the way they were mentioning Lindsay - and he didn't think they were being condescending - that Lindsay must be black.

When Deval Patrick met Reginald Lindsay, Lindsay was sitting in a wheelchair, standing tall.

#### A Birmingham childhood

In the early 1960s in Birmingham a minister by the name of Fred Shuttlesworth started complaining about having to bus his children to a segregated school. He brazenly sought to have his daughter integrate Phillips, the white high school. He got his house firebombed for such brazenness. That didn't quiet the Baptist minister. He kept raising his voice. To appease Shuttlesworth the Birmingham civic leaders built a high school that he could literally see from his backyard. It was called Carver. It was for the blacks. That's where Reginald Lindsay went to high school.

Lindsay's parents divorced when he was little. He lived in Birmingham with his grandparents, Frank and Julia Crosier. His grandfather worked in a foundry. His grandmother was a beautician, in her home. "As we used to say in the South," says Lindsay, "she 'dressed' hair."

Not every Southern segregated school was awful. And certainly not every Southern segregated school lacked for inspiration. "One of the interesting things about growing up in a segregated high school," recalls Lindsay, "was that everybody told us we could make it."

In the 1960s, of course, Birmingham was busy being Birmingham. It seemed a city under siege. It seemed the hottest place in the whole civil rights cauldron. Frank and Julia Crosier didn't mind their grandbaby getting out, going elsewhere to get an education.

Atlanta wasn't that far away, geographically speaking, but in terms of progress, it was light-years ahead of Birmingham. Even in the 1950s Atlanta had a progressive edge to it. In the 1960s it could be a kind of Southern haven. Morehouse offered Reginald Lindsay a full four-year scholarship.

At Morehouse old black men wore suits and ties and spoke the King's English and knew about sweet potatoes in the ground, too. "I had never seen black men wear suits and ties, except on Sundays," says Lindsay.

At Morehouse, the great Benjamin Mays was president and every Tuesday, in chapel, that great man lectured, about the world, about social graces. Mays' very presence, says Lindsay, "made you want to look at yourself as you had never done before."

Lindsay majored in political science. At the time no place in America seemed more political than the South. Lindsay didn't know it, but he was directly in the path of history's broom: Hearts and souls and minds were being swept up and all around.

Lindsay himself landed in Washington in the summer of 1964 to work with the Peace Corps. Washington was trying to change that summer, so America could change. Lindsay also helped raise money for the Kennedy Library. And he squeezed in some hours working for the Johnson-Humphrey ticket.

By then, of course, thocial legislation had begun to flow. Lindsay met Bobby Kennedy. He met Hubert Humphrey. And one day he sat in the National Cathedral and heard President Lyndon Johnson himself talk. He was awed. He went downstairs in the National Cathedral, almost as if guided by some kind of force outside of his own body. Just looking and looking around, and over there, in a corner, was the man himself, tall and wide, huge as his own shadow. LBJ was chatting up Billy Graham, the evangelist, and Reginald Lindsay, once he spotted the president, couldn't turn back. During that summer LBJ was pushing - with everything he had - the 1964 civil rights bill.

"Mr. President, I love you." He said it so clearly. It came out with the suddenness of something being knocked off a mantelpiece. He thought he'd walk away, right then, but no, he couldn't, because LBJ had turned, to him, and that could be like having Niagara Falls suddenly in your face, and he had grabbed Reginald Lindsay's hand and begun shaking it with that big LBJ grip; it was one hand, one black boy's hand, and it was every black hand in America that LBJ was trying to lift up from the swamp of segregation. He pumped Reginald Lindsay's hand not once, not twice, but "three times," says Lindsay.

LBJ got his civil rights bill passed.

Reginald Lindsay graduated from Morehouse three years later, in 1967.

It was too early to return to Birmingham. The city still couldn't quite be trusted. He came North, to Cambridge, to Harvard Law.

He did fine, but admits, "Harvard Law was a little estrangement for me." He was more Morehouse than Harvard. He had seen both sides of the ocean. "I liked Harvard Law, I loved Morehouse."

He was recruited by Hill & Barlow in 1970. In 1975 then-Gov. Michael Dukakis appointed him head of the Department of Public Utilities. Reginald Lindsay was all of 29 years old. He stayed with the department for two years. In 1979 he became Hill & Barlow's first black law partner.

Birmingham got around to changing. It changed as much because of the marchers as it did because of the law, and some federal judges - Southern federal judges - who unblinded Southern law. A lot of that change came rushing back into Reginald Lindsay's consciousness recently when he was nominated by President Clinton to become a federal judge.

"When I was being interviewed I mentioned people like Frank Johnson and Harlan Hobart Grooms and Hugo Black." Those were Alabama judges who meant to make a difference and did. Black, in his youth, was a member of the KKK. He became one of the most liberal justices to sit on the high court. They used to say that Black once wore a white robe and scared blacks, then he changed, started wearing a black robe, scaring whites.

### A decade of difference

Two boys, two men, two American lives, two Hill & Barlow lawyers, whispering to each other, courted and wooed by Washington; not just Hill & Barlow lawyers, but Hill & Barlow partners, part of the grain of the place. Swinging through doors that were once closed. Hardly anyone's affirmative action babies either. Scarred by poverty and old bones and remembrance, swinging still, so scarred sweetly.

There's an 11-year difference between the two. In America, in the worlds they came from, that's a lifetime. The decade between 1958 and 1968 was a lifetime in the American South. Reginald Lindsay saw the FOR COLORED ONLY signs; Deval Patrick didn't. Milton Academy could be a nifty little cocoon; in Birmingham you'd be right up against the glass window, the tears and blood flowing, reflecting.

The coming together between two lawyers happened in Chicago.

They were on a trip to an American Bar Association convention. A trip for Reginald Lindsay can be taxing. Several years ago Reginald Lindsay felt a pain in his back. The symptoms pointed to multiple sclerosis. He steeled himself to live with that. But then his left leg started dragging. Pain shot from his leg to his back. When the doctors opened up his back they found a snake-shaped tumor two feet long. They had to cut it out, and with it, his ability to walk. Traveling around, Deval Patrick was struck by how difficult it can be for a disabled person to get about comfortably.

Driving around Chicago, Deval Patrick wanted to show Reginald Lindsay his old neighborhood, on the South Side. Before they got there - maybe it was the faceless people, the hordes of people getting on with life, appearing both inside and outside life - Reginald Lindsay began talking about his life, Birmingham, specifically about clothes, about having once owned a "10-suit." His grandmother in Birmingham had bought him the darn thing. A "10-suit" has a couple pairs of pants and a suit jacket and a vest. You can turn everything inside out. You can rearrange the suit, with its interchangeable parts, and you've got yourself 10 different variations of a suit. It's laughable, but not if you're poor, not if you have to wear it. It was the best Julia and Frank Crosier could do for their grandson. He didn't laugh; he nearly cried. Reginald Lindsay told Deval Patrick that he had always told himself that when he could, he was going to buy himself 10 suits, separate suits, one laid across the bed and nine more hanging up in the closet, a total of 10 unique suits. And Deval Patrick started laughing and Reginald Lindsay started laughing and then there they were, at Deval Patrick's grandmother's house, and the grandmother stepped out. She was old, and couldn't come down the steps to the car. And Reginald Lindsay wished he could have run up to her, grabbed that old lady, and just hugged her, but he couldn't. She reminded him so much of the South, of Birmingham, of being inside life itself. And there they were, frozen, and they were as close in the little bit of distance as two people hugging each other would have been, because Deval Patrick had told his grandmother about Reginald Lindsay. And what after all is much of Chicago but transplanted Southerners? Birmingham might be South on a map to the uninitiated, but Deval Patrick's grandmother knew better; she had seen Birmingham in the eyes of a million Chicagoans.

Later that night Patrick and Lindsay were in their hotel. It was the Ritz. They looked at each other, looked at the drapes, around the room, out the window: the Ritz. They began to howl, just two cats howling with laughter, and they knew they had come a long way, from different houses maybe, but the same piece of carpet. Patrick could tell from that drive around Chicago. "It wasn't a sentimental journey so much as a realization that the memories and significance of the journey was still very new for both of us," says Patrick.

A fork in the road

Lindsay's confirmation hearings are expected soon. His days at Hill & Barlow are numbered. Deval Patrick was recently a finalist to become US attorney for Massachusetts. He didn't get that nod, but it's no secret he remains on the White House short list for other openings. He's turned down overtures from the Weld administration. "I'm interested in a new kind of challenge," admits Patrick.

They'll likely both be gone from Hill & Barlow; the road's about to fork. When they do depart, there will be no more black partners at Hill & Barlow. There'll be a void, but they don't want the fork to close around them either.

When Deval Patrick was going to Milton he carried papers to earn money. He used to pass a house on Hinckley Road every day, beautiful house, wide lawns, green grass. He'd gawk. A house that he couldn't forget.

Sometimes Reginald Lindsay comes over to visit Patrick, and the two little Patrick girls troop over to Lindsay. He knows what they want: to play as children want to do, to hop atop his wheelchair and ride. And Reginald Lindsay takes off, zooming across the lawn with them, and there is laughter, and the air is clear, and the girls are holding on, tight, and the laughter spreads.

"I've done my trailblazing," says Reginald Lindsay. "Deval Patrick is just starting his."

Two lawyers. Sometimes they leave work early. They'll stop over in Mattapan, pick up some barbecue, then go to the Patrick home in Milton. They'll roll up sleeves outside, tear into the barbecue, not so much for the hunger of food, but for the looking back, the memories of Birmingham, the hush of the jazzman's photo that sits inside on the table, in a house that Deval Patrick used to gawk at, on Hinckley Road, in a house that has 20 rooms, in a house that he now owns, in a house that does not lack for soul.

GRAPHIC: PHOTO, 1. Lawyers Deval Patrick (left) and Reginald Lindsay enjoy a laugh on the 20th-floor outdoor patio of Hill & Barlow law firm where they work. / GLOBE STAFF PHOTOS / PAT GREENHOUSE 2. Deval Patrick with his wife, Diane, and daughters Sarah, 7, and Katherine, 4. 3. Patrick rests his feet on his desk while talking to law partner Lindsay. 4. Deval Patrick in 1959, atop the shoulders of his dad, Pat Patrick. 5. Reginald Lindsay, left, and Deval Patrick in the halls of Hill & Barlow. / Globe staff photo / Pat Greenhouse 6. At Milton Academy in 1974, Deval Patrick was photographed at a meeting with former attorney general Elliot Richardson, right.

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