

More Statements, More Donations, and More Promises???

By Kenneth M. Battle



My name is Kenneth Marquis Battle. I am the son of Kenneth Marquis Tuck and Pamela Battle. My father served in the United States Navy and was a Vietnam War veteran. When my father joined the U.S. Navy during Vietnam, he actually joined on his own! He was not drafted. His older brother had fled the country to live in Canada after being sent draft papers for the Korean War. My father was driven by a sense of justice and loyalty to make amends of sorts for his older brother, so he joined the Navy. At the time, the Civil Rights Act was still fresh, Jim Crow was still alive and well in the South, and my father constantly had trouble finding a decent job. Most of my family on his side are from Mississippi and Tennessee. Though his parents loved the South, he had no desire to go there, other than for short visits. My father believed that joining the Navy would give him a leg up. He thought he would get more respect from white people and better job opportunities.

My father often spoke of how racist the Navy was back in those days. He was constantly called a nigger, given the most menial jobs, and never given an opportunity to thrive. I remember seeing a picture of the crew from his ship. He was one of about three Black men in a group of maybe 400. He told me stories about his time in the Navy, especially the one and only time he was actually in a gun battle. Oddly enough, he said that was one of the few times where his race didn't matter. Not one person on his side (or the other side for that matter) cared that he was Black. He was able to get some measure of satisfaction from those who mistreated him during his naval service. As it turns out, boxing was a big deal in the Navy. And they allowed him to box. He often told me that, although he felt powerless to stand up for himself or lash out against the random acts of racism and prejudice he endured, climbing into that ring provided him with some small measure of payback. He explained that during a boxing match, it felt like he was fighting against racism and oppression in his own little way. It kept him sane during an otherwise tumultuous period in his life.

After being discharged from the Navy, my father discovered that he had been fighting for a country that was not fighting for him. He was shunned by critics of the war, unable to get a good job, and still called a nigger when he “stepped out of line” with white folks. He pretty much

remained disillusioned about society for the rest of his life, passing away very young due to a car accident. My family says that he was extremely intelligent, something I like to think I inherited.

My mother dropped out of community college after she became pregnant with me. Though my maternal grandparents lived a middle class lifestyle, my mother could not afford to, with only a high school education and a young child. We ended up on welfare and living in a housing project called Dearborn Homes. Funny thing about welfare, it wasn't until sometime during my college years when I learned that that the vast majority of people receiving welfare and government assistance were white. Growing up, I was conditioned by my surroundings, the media, and politics, to envision welfare as something only Black people received. I grew ashamed to be associated with welfare, especially during high school, because I went to an upper middle class school across town.

My mother was the stereotypical single mother, raising me and my younger sister and brother, primarily alone. This made for some very lean years, hard times, tears, and pain. However, through it all, she took great care of us and pushed us to excel in school. For some reason, education was her soap box, and she stood on it! My friends teased that we were like the U.S. Postal Service—neither rain, nor sleet, nor snow stopped us from going to school.

As we aged and became more self-sufficient, my mother was able to work. She had to fight tooth and nail to enter the work world after raising a family. All she wanted was an opportunity. Once she found a good job, it gave her a sense of pride and dignity that I had not seen in her eyes before. I wanted to be like that. I wanted to work, earn a great living, and be able to pay all my bills. I never had desires for a fancy car or a mansion, other than what I saw on television. I did not enter the legal profession for fortune or fame.

I am the attorney who always wanted to be an attorney. If you talk to my childhood friends, they will tell you that I've always wanted to be an attorney—ever since I was very young. I have to thank the wonderful teachers at Daniel Hale Williams Elementary School for helping me to understand what attorneys did for a living and encouraging me to do it.

Besides, every report card I received for eight years said I talk too much, so perhaps they felt it was my calling.

Throughout my elementary and high school years, I had as many detractors as I had encouragers. Some felt that society itself, “The Man,” would make it impossible for a kid from the ghetto to practice law. So many had been beaten down and beaten back—their dreams and hopes for a better life destroyed. I’m blessed because every time I would get down, depressed, or anxious, people would come into my life who helped to boost me back up. They told me to follow my dreams and assured me that I could do it. I fought through a neighborhood infested with gangs, violence, and drugs; an elementary school with few resources; and a high school full of judgmental peers who looked down on me because of my meager means—just to get to college.

During my college and law school years, I was introduced to a more diverse student populace. It amazed me how everyone prejudged each other. I thought that every white person I met had the ability to pay his or her bills and buy whatever books were required for class. Every white person who talked to me assumed I was on a scholarship, part of a quota, and lacked the credentials to be there. Both Blacks and whites assumed that every person of Asian descent was smart and spoke with a heavy accent. I opened my mind and decided to be purposeful about eliminating my own prejudices, choosing to judge individuals by the content of their character. I hoped that others would do the same.

Here we are, in present-day America, after an awful year where we saw a global pandemic attack us, politics and racism divide us, and financial struggles worry us. Where are we? I must admit that I am just tired. As my colleague Stacy Douglas so eloquently put it, “[Sick and Tired](#).” My exhaustion comes from a feeling of hopelessness. Years ago, when I was very new to the practice of law, I remember reading a manifesto by Charles Morgan and a call to action written by Roderick Palmore, very powerful in-house attorneys who espoused the need for the inclusion of more women and minority lawyers in law firms, assigned to meaningful matters, or retained as outside counsel. I was in awe and very excited about this, thinking they had changed the legal profession. However, fifteen to twenty years later, I just don’t see the amount of progress I expected.

Honestly, after the George Floyd incident, I anticipated that there would be statements made, donations to worthy causes related to diversity and inclusion, and promises. I knew there would be corporate statements condemning systemic racism and cheering diversity efforts. The legal profession was no exception. I saw companies that have used the same nondiverse attorneys at the same nondiverse law firms make statements condemning systemic racism, while masterfully crafting statements supporting diversity and inclusion. Other incidents erupted. And then more statements, more donations, and more promises.

It’s time to be purposeful. An old saying in the Dearborn Homes, and likely elsewhere, is “don’t talk about it, be about it.” It simply means that actions speak louder than words. Many people who read this article wield the power and authority to 1) fight systemic racism in their work-places; 2) hire qualified and talented people of color and women to diversify their workforces;

3) promote well-deserving women and people of color to partner, deputy chief counsel, or general counsel; 4) provide fair and equal opportunity for people of color and women to secure your business, and then actually hire them; 5) stop searching for fault with diversity and inclusion movements, embrace them; 6) dispense with the fear and anxiety and hire that woman or person of color as your chief executive officer; or 7) actively source and bring on diverse board members to your companies. I imagine it will take strength, conviction, and faith to do one, or all, of these things. So, to my nondiverse colleagues asking what you can do, you can use whatever you have, be it power, influence, position, authority, to *act*. Statements, donations, and promises are wonderful, but your actions are immeasurable!

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Kenneth M. Battle is the managing partner of **O’Connor & Battle LLP** in Chicago. He has practiced defense litigation, in its various forms, for over 20 years. He strives to maintain a firm culture teeming with extremely talented people who believe in diversity and inclusion. Ken is often called upon to engage in presentations on topics such as employment law, civil rights, and trial tactics. He obtained his B.A. in Sociology from the University of Illinois at Urbana-Champaign and his J.D. from Case Western Reserve University School of Law.