

Lawyer Al Horn is more or less to the Atlanta legal establishment what Saturday Night Live is to Perry Mason. Sometimes outrageous, always controversial, eminently entertaining, Horn proudly boasts, "I am essentially an anti-establishment lawyer. I've represented anti-war people, labor unions, hippies, blacks in the Civil Rights movement, the American Civil Liberties Union and commercial entities of an anti-establishment nature."

He is Atlanta's premier "drug" law-

yer, with a courtroom manner which raises hackles and a courtroom record which demands respect, even from those who most violently disagree with his philosophy and his methods.

The very nature of his law practice is an irritant to many of his colleagues. He is part of The Law Project, a "collec-

tive" rather than a traditional firm.

"The practice of law in the United States is a real ego trip," Horn explains. "A regular practice has a defined hierarchy with the top lawyers calling the shots and taking most of the income. The unifying philosophy [in The Law Project] is to de-emphasize the people in it and emphasize what they do."

His views are not always popular in Atlanta. But they are worth careful attention. Like the man, they are pungent, powerful — and sometimes persuasive.

Al Horn

He Delights In Pricking Our Legal Conscience

A champion of both popular and unpopular causes, attorney Horn says what he means, means what he says and is perhaps Atlanta's most effective gadfly at the benchmark of our criminal justice system.

By Steve Marsh-Photography By Bill Fibben

ATLANTA: You aren't exactly the typical Atlanta lawyer. How did it happen?

Horn: Going into law was one of my earliest ambitions. I started in the law school at the University of Alabama and graduated first in my class. By that time, I was involved in civil rights activity. I didn't get a single job offer in Alabama — which was unusual. At the time, the University of Alabama had the only accredited law school in the state. So I went to work for the Federal Government, specifically the Department of Labor. From there I switched to the National Labor Relations Board and ended up in Puerto Rico in the early Sixties. Then I came to Atlanta to specialize in labor relations. Although I still have a few labor clients, I've nearly drifted out of it. Now I specialize in criminal law.

ATLANTA: Why the change?

Horn: The hippies came to Atlanta in late '67 and early '68. I started representing them almost accidentally. Several clients had been formerly involved in labor strikes. Some of them settled in Atlanta and organized *The Great Speckled Bird*, our first underground newspaper. These people began the first "head shops" [selling drug paraphernalia, etc.]. When they got hassled by the authorities, they called on me, and I handled most of the cases free. From that point [handling marijuana cases] became a bigger and bigger business. The case load increased, and it became a very profitable line of legal endeavor. A lot of other lawyers began to get into it, but I had the early start. I represented literally thousands of people charged with drug violations.

I handled the cases for nothing because people were being persecuted and harassed. Next thing I knew, people were paying me in hundred dollar bills with no questions asked. That's when other lawyers got into it.

ATLANTA: How have the city's drug abuse habits changed over the years?

Horn: I don't like to use the word "abuse." I use marijuana myself, and I don't abuse it. I'm an impulsive person, and marijuana is a useful tool to relax with. It is much better than alcohol, which is a depressant and a physically addicting drug. Marijuana is not addictive and doesn't disable you.

Also, I personally enjoy taking LSD two or three times a year. It gives you a chance to examine your mind. Yet, I think a drug like Angel Dust [phencyclidine] is very bad, and I recommend avoiding it.

ATLANTA: You've represented some so-called "Marxist" groups?

Horn: I have represented them over the years, along with most of the other movement groups that have come through town. I feel that if someone is hassling the system on a legitimate point, they deserve my support even though I may not agree with all things done by those groups. Most Marxist groups are not strong on free speech, especially for people that don't agree with them. I believe strongly in the right of free speech.

ATLANTA: How about your own political philosophy?

Horn: I am not a Marxist although I am an anti-capitalist. Many groups I end up supporting are Marxist because they do most of the anti-establishment activity. Basically, my philosophy is libertarian, yet I don't believe in the economic doctrine of a libertarian. I believe that the Government tends to abuse power and that it should be carefully controlled.

I'm almost an anarchist — except that anarchy won't work. Philosophically, I feel the less government, the better.

ATLANTA: Who are the people in history you most admire?

Horn: Anti-establishment people. Of the

traditionals I admire Thomas Jefferson, particularly his statement, "There's a need for a revolution every 20 years." I also admire Mao Tse-tung. And although I'm not a Marxist, I think Marx had a good analysis of power, somewhat like Jefferson.

ATLANTA: How about family influences?

Horn: My father was a strong New Dealer and a member of the machinists' union. He fervently believed in the rights of working-class people and gave me a strong class bias. But he was also a segregationist. I was raised in Birmingham, Alabama, a working-class city. We had very little contact with black people. They lived in what were called "nigger quarters," and we used to fight with them.

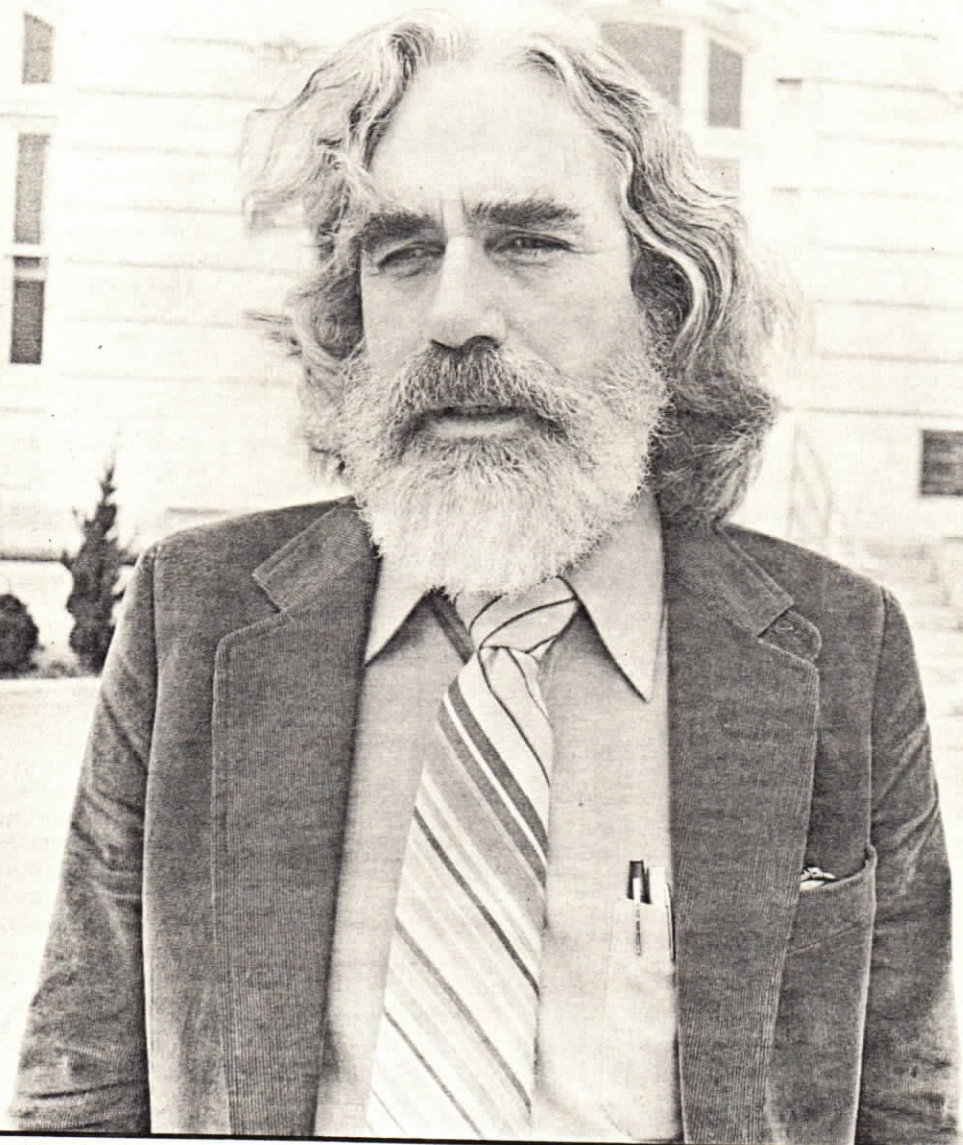
When I became a teen-ager, I rejected that. I witnessed an incident in Birmingham when I was 16. A black man and a white woman had an auto accident. You could see that it was the white woman's fault. Two cops came up and beat that black man right into the pavement. They did it for no reason except that he was trying to give his own version of what happened.

The incident horrified everyone of us standing there, even though I assumed every bystander to be a segregationist. It really made me start thinking. Then I joined the Navy and began to meet black people.

As I got more involved in civil rights, my father and I used to argue a lot. There was a period of a year in the mid-Fifties when he excluded me from his house.

ATLANTA: Did your father finance your education?

Horn: No, I went on the G.I. bill. But I was the first member of my family to go through college, and he was quite proud of me up to that point. I got a Rockefel-



ler Fellowship to Harvard, and he blamed Harvard for my change. Of course, I had changed long before that.

I returned from Harvard the year the decision came out in *Brown vs. the Board of Education of Topeka*. A few weeks after I returned to the University of Alabama law school, all hell broke loose in the South, particularly in Alabama. You had to choose sides in the race issue. I became the "radical in residence."

After I graduated from law school in '56, I stayed in the local office of the Department of Labor for about a year. One day I went to a bar meeting in Tuscaloosa. In that meeting they brought up a lot of silly resolutions condemning a Supreme Court decision [in Dr. King's favor]. I voted against the resolutions.

Because of that, I made the front page of the Sunday newspaper in Birmingham. [Horn's was the only "no"

vote.] That was when the pressure on me got really heavy. The following Monday,

"I feel that if someone is hassling the system on a legitimate point, they deserve my support even though I may not agree with all things done by those groups."

I was transferred to the Washington agency because I was too hot.

ATLANTA: How about professional influences?

Horn: Two college professors — Dean Henry Shanks, at Birmingham Southern College, and an English professor at that school named MacWilliams. Mac-

Williams taught me to write. A lawyer has to communicate by writing or mouthing. Most lawyers cannot do both, and some cannot do either. Dean Shanks taught history. He was a great fellow who taught me how to analyze and think. He also taught me how to look for political implications.

ATLANTA: How have you "helped" Atlanta?

Horn: Helping keep anti-establishment activity alive here. I got the classification of marijuana out of the "narcotic" category by lobbying in the Legislature. I used LSD as an example of a drug considerably more volatile. At the time, LSD was considered a "nominal" drug with a possession sentence of zero to two years. They reversed the penalties. What I wanted was to reduce both entirely.

I had an effect on the sentencing of drug defendants by sending out massive

amounts of literature to judges, legislators and D.A.s. I sent literally thousands of dollars worth just to educate them. Still, some don't want to be educated. They want to make marijuana a villain no matter what you show them.

ATLANTA: How do you prepare the defense for a drug case?

Horn: A good deal of my effectiveness is in knowing the locale. On out-of-town cases, the ideal situation is when the client can afford a good local attorney and hire me for "nuisance value." Then I can freewheel and be the bad guy. The "nice" local lawyer looks like he is "unfortunately" teamed up with some crazy outsider. That's a generally used trick.

ATLANTA: Do you analyze the personality of the prosecutor before trial?

Horn: Yes. Absolutely. Half of handling a case is the personnel you deal with. One tactic works beautifully with one man and backfires with another. If you come on strong, give the judge and the D.A. a hard time, make them try the case and deal with unfamiliar areas of law, some D.A.s will back off. Others, particularly young D.A.s right out school, want to test you, draw against you. It's the old gunslinger syndrome.

The judge and the D.A. have two options. They can work their asses off and whip me correctly or steamroller over me. That is, they can rule without hearing me out. In the latter situation, they're likely to be reversed. Neither option is particularly palatable so you [are able] to work out deals from sheer nuisance value.

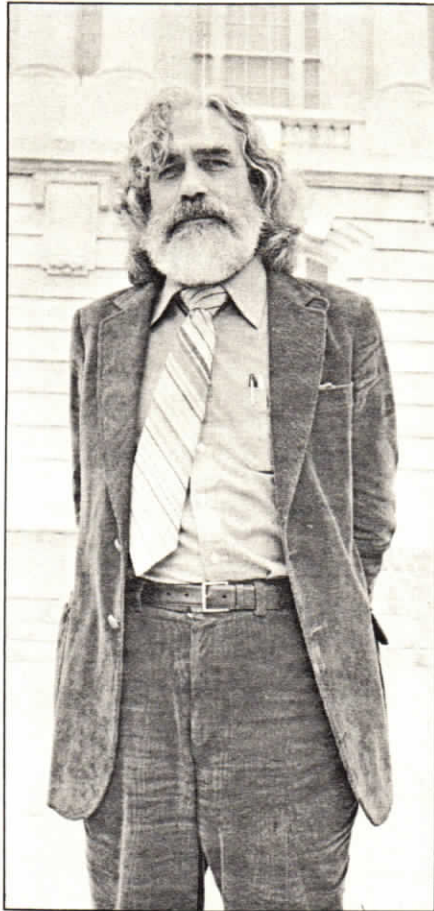
ATLANTA: Is there consistency in our criminal justice system? How different are judges from one court to another?

Horn: Some judges are conscientious and bright. Some are mean and stupid. Some take out their own predilections and prejudices. Some judges are literally sick in the head. One affliction striking 60-70 per cent of them is what I call "judge-itis." They begin to see themselves as little gods. People always laugh at their jokes, and they always get special treatment from society. When anyone crosses them, as any good trial lawyer has to, they get mad and bear down on you. They'd rather have you roll over and play dead.

A great number of judges in Georgia, 40-50 per cent, are former D.A.s or prosecuting attorneys. Many of them never get over that bias. They unconsciously side with the State and feel that their function is to convict rather than give fair trial. Finally, some judges get so callous that, as Shakespeare wrote in *Macbeth*, they get so steeped in blood "the returning would be so tedious as the going on."

Judge Haines of Cobb County used to say, "I'll never probate a marijuana case." Two or three years ago he confessed on the bench, saying, "I'm hav-

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ing to eat that word. I'm going to try not to say 'never' anymore."

ATLANTA: Do you get emotional in a courtroom? Do you raise your voice often?

Horn: I tend to be a pretty loud person. I rarely lose my temper, but sometimes I pretend to. It becomes effective in accomplishing a purpose. There are various ways to achieve dominance in a group situation. One way I do it is through the decibel level of my voice. Still, there is no substitute for knowing your case.

ATLANTA: Obviously you don't look like most other lawyers. Does your "hippie" image help or hinder you?

Horn: It doesn't have much effect. I used to be concerned about having long hair and a beard. In fact, I used to interrogate juries on that point. In the Sixties it was more of a problem. Nowa-

days, you'll find a lot of "good ole boys" out in the country with long hair. It's not unusual. I've always liked beards, grown them since the Forties when I was in the Navy — and I've always had trouble.

ATLANTA: When you really have a problem with a case, where or how do you do your heaviest concentrating?

Horn: If I'm doing structured thinking, I don't "smoke" [pot]. If I'm doing what I call "free-float thinking," I smoke marijuana. Sometimes I'll get really creative thoughts on a case that way. When I'm tripping [on LSD] or smoking, suddenly I'll see things with new insights. That is one reason I like to take acid [LSD]. I don't do that for a structural think, [because dope] makes me feel affected. Structural thinking is done anywhere: at home, the office, a motel room or walking along a beach.

ATLANTA: Can you compare Maynard Jackson's administration to the Ivan Allan era?

Horn: We [whites] don't have the solid majority anymore. The old power, the so-called downtown business structure, doesn't own this town anymore. You've got both black and white business structures, a substantial liberal vote, labor contingents and even 70,000 gay votes.

Jackson is better in securing the rights of a criminal defendant and less efficient due to [limited] man-power. During Chief Jenkins' time, the police force was fairly effective but used a good bit of abuse. Of course, the worst time was with Inman — by far the worst. After Maynard took over, we've had very little of that type of police brutality. And they do keep tabs. The internal investigation department takes account of the worst excesses of police officers. Atlanta police officers are not nearly as rapacious as they once were.

[But] I think the efficiency of the present police department is zilch! Not because they're lenient but because they're lazy. They're not fingerprinting a rape here, a burglary there, nor do they thoroughly check out leads, at times. They might spend more time on a simple marijuana case than on a rape or murder.

Local law enforcement agencies have had well over a hundred drug detectives in [Metro Atlanta], and there's not enough business, so they create business. They do this by using some of the most reprehensible people as informers. These people don't get sent off to prison. And the guy with some decency that won't inform on friends? Off he goes to the penitentiary. It's unbelievable.

ATLANTA: Is the legalization of pot still a popular cause?

Horn: For a while there was a trend toward the legalization of marijuana. I've noticed that among the percentage of young people in favor of legalization, there has been a decrease from 27 per

cent a year ago to 25 per cent today. Now there's a new wave of "reefer madness" [studies on the dangers of marijuana]. Even if all those studies are true, the evils of pot pale in comparison to those of tobacco and alcohol. And the Government subsidizes tobacco. It's incredible.

ATLANTA: How have Atlanta's drug habits changed over the years?

Horn: I see a trend back to alcohol among younger people, although marijuana is still a very popular drug. Of all the illegal drugs, I would say cocaine is by far the most popular, if you can afford it.

ATLANTA: You believe influential people have a better chance in court?

Horn: Absolutely. A study shows that of white collar thieves convicted of embezzlement, 18 per cent were sentenced to prison. Of common thieves convicted of simple burglary, 56 per cent were sent to prison. Of "commoners" convicted of larceny, 38 per cent went to prison. Remember when Lester Maddox' son was caught in a burglary, then given probation? Six months later, he was caught in another burglary, and he got more probation.

Lawyers have a saying, "A defendant is innocent until proven broke." There is a great deal of truth in that. If you can afford a lawyer that can wear out the D.A., you'll always get a better result.

These new mandatory sentences will mean only one thing. Mostly you'll get poor little black kids that, time after time, will go back to crime school and get brutalized and mean! It's a stupid system, yet somewhere I read that 83 out of 100 Americans believe the police and other law enforcement agencies should be tougher in dealing with crime and lawlessness. It's frustration on the part of the people, but the answer is not in putting more people in the penitentiary! Georgia has executed more people than any other state, and we've had more lynchings. Georgia has the highest per capita incarceration rate in the nation. Is there something wrong with Georgia? Do we have to do this? I submit to you that we create crime by doing this.

There is no easy solution. For one thing, the rate of unemployed black teenagers is over 40 per cent. Most crime in this city is committed by them, there is an absolute majority. It costs nearly \$2,000 per year to house someone in a Georgia prison. Some of that penal spending should go toward giving them work. Another factor in our crime rate is the number of counties in Georgia. They remember Alabama counties two-to-one. Each county has a sheriff and a jail. And what do sheriffs with jails do? Well, they're supposed to do? Put people in jail, of course.

The penitentiary should be a last re-

■ ATLANTA

sort for people that are absolutely dangerous to society. Halfway houses are good; and I would abolish half the offenses that send people to jail in the first place. About a third of the people in the pen are serving time for little drug cases that don't solve a thing. They don't change people's attitudes. They don't do anything but send them to crime school. Knock off those types of offenses and have a lot more work releases with

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tighter probation restrictions. Probation is a joke right now. Each officer has 300 people to keep up with. They don't even know the individuals under their supervision. It's absurd.

ATLANTA: Is this "absurdity" the reason you prefer criminal law?

Horn: I think it's an area where people are badly abused. The United States, next to South Africa, has the highest rate of incarceration in the so-called free world. The rate of black incarceration is approximately five times that of whites. That is, 60 per cent of the Georgia prison population is black whereas only 25 per cent of the population in the whole state is black.

This "great" cry for law and order and mandatory sentencing means only one thing — more poor people, particularly black people, go to jail.

ATLANTA: In your opinion, what is the greatest weakness in our criminal justice system?

Horn: As much as I criticize this system, on balance it is probably more workable than most. This main problem is that justice is for hire. I don't mean that you can buy a judge. It's just that if you can afford an attorney's activity, you get better results. Otherwise, the courts can grind you to death.

ATLANTA: What do you think of Hinson McAuliffe and his stand on pornography?

Horn: Hinson's a mixed bag. He's full of sh-- in his preoccupation with porno cases. Day in and out, with the average case, he's an honest, decent fellow. But he's got a real bug on the porno issue. I think that when he was little, his mamma potty trained him too early. You know how kids get warped. But Hinson really believes it. I don't think he's faking. Some people get on this anti-porno thing and don't believe it at all. Mary Welcome had no conviction in

her mind when she was closing down the bath houses — just publicity. Although Hinson believes it, I think he's counter-productive and wastes a tremendous amount of the State's time fighting frivolous things. Still, he's not too hard to deal with.

ATLANTA: Do you have a favorite "war story," some favorite case or situation?

Horn: Oh yeah. I encourage non-violence, although, in this case, violence worked quite nicely. I had a case in North Carolina where a candy company was bought by a northern interest. They came down and instituted a "stretch-out" on the assembly line. That's where they give each employee an unreasonable amount of extra duty at each assembly station. They all got mad, unionized and went on strike.

Now this was one strange strike. The plant was mostly white women as production workers and black men as maintenance and heavy labor. The Ku Klux Klan insisted on helping us picket because so many of their wives and girlfriends were involved. They didn't want the white women to picket with the black men, so they formed a men's and a women's picket line and avoided a racial issue. The women had the inner picket line by the front door, and the company called in "scabs" [strike breakers]. The local authorities were escorting them and everything. They would all meet at the school yard, bus up and go to the plant.

I was preaching my usual "violence will get you nowhere" routine, but those women weren't about to let scabs take their jobs. On the first morning, the "scab" bus pulled up and the striking women waded into it and tore it up. Of course, the authorities called for the state patrol. By the next day, only two state patrol vehicles made it. By that time, they'd assured all the scabs of police protection. But some of the good ole boys, the Ku Klux Klanners, played a trick.

The first bus left the school. They timed it perfectly. Just as that bus lumbered over the hill on the way down to the plant, one of the good ole boys came zipping by in his Chevrolet doing a 100 miles an hour. The first highway patrolman was like a fish after a fly. He went after the Chevy. Wooosh! A minute later another man came by the same way, and the second patrol car went after him.

About that time, the bus pulled up to the candy plant — with no police in sight. Again those women waded into the bus, and again they really tore 'em up. After that, they couldn't get anybody to cross the picket line. Three days later the company fired their law firm and signed a union contract.

Is that enough?

ATLANTA: And then some. ■

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