

TOURO LAW JOURNAL OF RACE, GENDER, & ETHNICITY

INTRODUCTION DEBORAH W. POST

At the beginning of the academic year, 2015-2016, I announced my intention to retire at the end of the year. I knew the transition, a re-definition of self, would be difficult. Teaching and writing, working with students and colleagues at Touro and other law schools, was more than a job. It was the way in which I defined myself.

There are so many ways in which my life has been constructed from or built on relationships that developed over thirty plus years of teaching. My life as a teacher was shaped by my commitment to students, by my relationships with colleagues within the academy and by the opportunities I have had to write articles and books.

Everything begins at home and Touro Law Center was my home for almost 30 years. During my career I have worked with faculty at law schools where I was a visiting professor, with faculty who were members of sections of the American Association of Law Schools as well as members of the board and committees of the Society of American Law Teachers. All of these connections mattered. Each of them offered me an opportunity to work on or for social change. Each provided meaning because I was actively engaged in work that I hoped would increase access to legal education for students who might not have had access in the past because of their race, ethnicity, gender or class. As a teacher I wanted to show students why law matters, how it supports and recreates structures of subordination but also how it can be used to solve individual and collective problems.

If I had to choose, I would say that there are two professional organizations that have meant the most to me. There was no term for them back then, but today we would probably label them “affinity” groups.¹ I think it is fair to say that if I had not “found” these organizations or if they had not found me, I might not have survived my first few years in the academy.

¹ The Merriam-Webster dictionary defines an “affinity group” as “a group of people having a common interest or goal or acting together for a specific purpose.” MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/affinity%20group> (last visited Nov. 6, 2018).

Over the years, particularly in educational and corporate settings, affinity groups have come to be associated with efforts to increase diversity and promote an inclusive environment. Many leaders in the diversity and HR areas believe that affinity groups actually help improve employee satisfaction, foster an atmosphere of inclusion, and serve as an important tool for developing employees. Others view affinity groups as a way to combat the feelings that some employees are marginalized, or on the outside looking in. Affinity group meetings can provide a place to experience business and social inclusion for those who may feel outside the mainstream of the organization's social or operational structure.

My favorite definition comes from a website that promotes “resilience circles.” An affinity group on that site is defined as “a small group of people who support each other and work to change the world.” “What is an Affinity Group?” RESILIENCE CIRCLES, (May 17, 2012), <http://localcircles.org/2012/05/17/what-is-an-affinity-group/>.

I speak of organizations, but organizations are made up of people who act individually and collectively to achieve a particular purpose. Sometimes they are formed deliberately and consciously. Sometimes they seem to arise spontaneously and organically. The two organizations which were most important to me in my formative years as a law professor were the Northeast People of Color Scholarship Conference (NEPOC) and the Northeast Corridor Collective of Black Women Law Professors (Northeast Corridor Collective).

For many years now I have been on the planning committee for the Northeast People of Color Conferences. In the spring of 1998, I helped organize the Third Annual Northeast People of Color conference which was held at Touro Law Center. Many of the papers presented at that conference were published in the Touro Law Review as a symposium called *The Salience of Race: Race in America*. Last year, eighteen years later, in my last year as a law teacher at Touro, I asked Professor Elaine Chiu, the Director of the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University School of Law and Director of NEPOC, if Touro Law Center and St. John's University School of Law could co-sponsor NEPOC in the Spring of 2016.

The initial planning meeting took place during the AALS meetings in New York City in January of 2016. Professors Eric Miller and Solangel Maldonado, Elaine and I discussed the theme and topics which might be addressed at the conferences. Paula Johnson and Paulette Caldwell were among those who participated in a refinement of theme for the conference. We settled on the title "Confronting the Violence of our Times: The Role of the Legal Academy." Professors Deseriee Kennedy and Cynara McQuillan were the working group on the ground at Touro.

NEPOC is an academic conference.² NEPOC conferences have been held over 22 years with the exception of those years when all of the regional people of color conferences came together to hold a combined National People of Color Conference. NEPOC conferences have been held at Western New England University College of Law, New England School of Law, UMass Dartmouth (formerly Southern New England School of Law), Boston University School of Law, Suffolk University School of Law, Hofstra Law School, CUNY Law School, among others and in Bermuda, the Bahamas and Puerto Rico.

There are panel discussions and presentations of works in progress. NEPOC has been a place where the achievements of faculty of color are recognized. The two awards that are conferred are the Haywood Burns/Shanara Gilbert Award for an activist teacher/scholar or activist lawyer and the Kellis Parker Award named for the first black faculty member at Columbia Law School who fought for greater diversity in legal education.

In 2016, I felt that it would be appropriate to give the Haywood Burns/Shanara Gilbert Award to a group rather than an individual, for the first time. I nominated the Northeast Corridor Collective of Black Women Law Professors. I nominated that group even though the Northeast Corridor Collective no longer exists. The women who were part of that Collective have not forgotten how important it was in their development as law professors and scholars.

² See Robert Ward, *Northeast People of Color Conference*, 8 J. OF RACE GENDER & ETHNICITY 1 (in this issue).

I believe that the Northeast Corridor began spontaneously in response to a felt need. It was described by Emma Coleman Jordon as a group with a “collaborative style of governance” with a “non-hierarchical structure and process.”³ We met in the homes of members in meetings that moved up and down the northeast corridor from New York to Philadelphia to the District of Columbia. The quarterly meetings, as Professor Jordon described them, were a place where there was an exchange of “ideas in the development of black feminist theory and practice.”⁴

I would describe those meetings as one of a very few “safe spaces” for black women faculty. The importance of a safe space cannot be overstated. It was, after all, an era when there was open hostility and overtly racist attacks on faculty of color and especially women of color.⁵ “Non-hierarchical” meant that within this group, the ranking of schools did not matter. At that time, Touro was only provisionally accredited. I did not perceive any difference in the way I was treated by the women in that group. There were no cliques in the Northeast Corridor, no assumptions about the intelligence or value of the contributions each of us made to the discussions that occurred.

Emma Coleman Jordon organized an effort to publish essays and articles by some of the women in the Collective and these essays were published in the Berkeley Women’s Law Journal in 1991. In her Introduction to that volume, she reported that 16 women were at the first meeting in 1988 but by the time the symposium issue was published there were 91 women on the mailing list.⁶ The articles published in the issue were, according to Professor Jordon, “...individual and collective efforts to undertake the difficult task of self-definition.”⁷ My article, *Reflections on Identity, Diversity and Morality*,⁸ was one of the articles included in the issue.

And yet, as much as it meant to all of us, such a loose confederation of teachers and scholars could not be sustained. As Robert Ward has pointed out in his essay, it has become a tradition at NEPOC conferences to honor the “trail blazers, “the pioneers, the “firsts” who paved the way for

³ Emma Coleman Jordon, *Black Women in the Legal Academy*, 6 BERKELEY WOMEN’S L.J. 1 (1990-91) n.5.

⁴ *Id.* at 3, n.11.

⁵ Two of the more egregious attacks which I remember occurred in the 1990s. Professor Jordon credits one of them, “The Harvard Controversy,” as the catalyst for the symposium issue of the Berkeley Women’s Law Journal. *Id.* at 4. There was a controversy over the treatment of Regina Austin, a tenured faculty member at University of Pennsylvania Law School, who was a visitor at Harvard Law School. In an article published in the New York Times written by Fox Butterfield, included quotes from students in Professor Austin’s tort class. No one should ever rely on a first year student’s evaluation of their first law school classes, but this reporter for the New York Times included a comment by a student who said that Professor Austin “had shown favoritism to minority students” and then complained that her class was “more sociology than law.” See Fox Butterfield, *Harvard Law School Torn by Race Issue*, NYTIMES, April 26, 1990. My assessment is that this is a classic example of what is commonly described as an expression of “white privilege.”

Another example of these attacks appeared in an article written by Heather McDonald and published in City Journal, a publication of the Manhattan Institute, which describes itself as “a leading free market think tank.” Ms. McDonald wrote an article that attacked critical legal theory – particularly critical race theory and feminist theory. And while she dismisses the “legal storytelling movement,” she began her article with a quote from a student at New York University Law School who said she was “going home crying every day” because she was so unhappy in Professor Paulette Caldwell’s class on race and legal scholarship. Heather MacDonald, *Law School Humbug*, CITY JOURNAL, AUTUMN 1995.

⁶Jordon, *supra* n.3.

⁷ *Id.* at 4.

⁸ Deborah Waire Post, *Reflections on Identity, Diversity and Morality*, 6 BERKELEY WOMEN’S L.J. 136 (1990-1991).

those of us who followed.⁹ The award to the Northeast Corridor Collective was timely and well deserved.

⁹ See Derrick Bell, *A Colony at Risk*, 15 TOURO L. REV. 347 (1999) (describing the NEPOC meeting at which 8 faculty of color were honored who had been in teaching for 25 years or more. Those faculty members were John Baker, Albany, Frank Bae, New England School of Law, Frederick Tse Shyang Chen, Quinnipiac Law School, John Gregory, Hofstra University School of Law, Larry Palmer, Cornell Law School, and Surya Prakash Sinha, Pace Law School and the *A Colony at Risk* author, Derrick Bell, who was at New York University School of Law at that time).

NORTHEAST PEOPLE OF COLOR LEGAL SCHOLARSHIP CONFERENCE 2016



From Left: Professor Lani Guinier, Harvard Law School; Professor Emily M.S. Houh, University of Cincinnati College of Law; Professor Nancy Ota, Albany Law School; Professor Donna Young, Albany Law School; Professor Patricia J. Williams, Columbia Law School; Professor Paula C. Johnson, Syracuse University College of Law; Professor Deborah W. Post, Touro Law; Professor Paulette M. Caldwell, NYU Law; Professor Anthony Paul Farley, Albany Law School; Judge Fern A. Fisher, Hofstra Law; Professor Odeana R. Neal, University of Baltimore School of Law; Robert V. Ward, Jr., Esq.