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From Tokenism to Emancipatory Politics: The Conferences and Meetings of Law Professors of Color

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FROM TOKENISM TO EMANCIPATORY POLITICS: THE CONFERENCES AND MEETINGS OF LAW PROFESSORS OF COLOR

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[C]lasses wishing to overturn the dominant form of rule are obliged to contend for "intellectual and moral leadership" of society, to wage a war of "position" long before a "war of maneuver" or insurrection can be successfully staged.[1]

INTRODUCTION

In March of 1999 over 150 legal scholars of color from the nation's law schools came together in The First National Meeting of the regional People of Color Legal Scholarship Conferences.[2] The date marked the tenth anniversary of the Midwestern People of Color Legal Scholarship Conference,[3] an Illinois non-profit organization dedicated to

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A version of this paper was delivered as the Keynote address at the 1998 Sixth Annual Western Law Teachers of Color Conference in Gleneden Beach, Oregon. *See* Linda S. Greene, A Firm Foundation: The Meetings And Conferences Of Legal Scholars of Color, Keynote Address Before the 1998 Sixth Annual Western Law Teachers of Color Conference, (March 6–8, 1998) (on file with author). I am grateful for Joy Mooberry my research assistant who helped me turn that speech into this article.

I dedicate this paper to Andrew Haines, a friend and a beloved and dedicated participant in the tradition of meetings and conferences of legal scholars of color. His brilliance did not spare him the sordid experience of a lonely minority professor in a hostile legal educational environment. He found renewal and inspiration while working on a history of the Minority Law Teachers Conference and died tragically shortly after its publication. *See* Andrew Wm. Haines, *The Ritual of the Minority Law Teachers Conference: The History and Analysis of the Totemic Gathering of the Shaman to Reconsecrate the Tribal Totem of Law School*, 10 ST. LOUIS U. PUB. L. REV. 393 (1991). I still miss him.

1. Stanley Aronowitz, *On Intellectuals*, *in* INTELLECTUALS: AESTHETICS, POLITICS, ACADEMICS 3, 10 (Bruce Robbins ed., 1990) (footnote omitted).

2. *See* Program from The First National Meeting of The Regional People of Color Conferences: Celebrating Our Emerging Voices: People of Color Speak, held at The John Marshall Law School (March 25–27, 1999) (on file with author) [hereinafter The First National Meeting].

3. The Midwestern People of Color Legal Scholarship Conference, Inc., was founded by Professor Linda S. Greene in 1989 to create a forum in which professors of color could openly discuss their common experience as minorities within a majority white academy and contribute to the development of legal theory responsive to the interests of people of color. *See infra* notes 47-54 and accompanying text.

the promotion and development of minority legal scholars.[4] The First National Meeting grew out of a collective decision by all the People of Color Legal Scholarship Conferences—Midwestern, Western, Southwestern, Southeastern, Mid-Atlantic and Northeastern—to forego their own annual meetings and come together to assess the accomplishments of this nationwide movement. The three days were a whirlwind of scholarly and social activity.[5] The First National Meeting's title, "Celebrating our Emerging Voices: People of Color Speak," summed up the working principle of the People of Color Legal Scholarship Movement—to nurture fully the scholarly potential of minority law professors in a loving and critical environment.[6] Assistant professors new to the legal academy

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4. *See* BY-LAWS, MIDWESTERN PEOPLE OF COLOR LEGAL SCHOLARSHIP CONFERENCE art. III, sec. A.2.a (January 10, 1997) (on file with author) [hereinafter BY-LAWS] (announcing that the Annual Meeting Committee "is substantially devoted to the development of scholarly papers . . .").

5. Professor Leroy D. Clark found:

> The most significant thing that I took note of at the P/C [People of Color] meeting was the sense I had that understanding and bridges were being built across groups that are in conflict in other areas of the country. I was very impressed with the way in which people spoke respectfully, but honestly, about minority group conflicts. I also saw an ease of relating outside of the formal sessions, when people were dealing with one another socially.

Letter from Leroy D. Clark, Professor, Columbus School of Law, to Linda S. Greene, Professor, University of Wisconsin-Madison School of Law 1 (Sept. 13, 1999) (on file with author).

6. The National Steering Committee included: General Chair: Professor Linda Crane of The John Marshall Law School and Midwestern Regional People of Color Legal Scholarship Conference, Inc.; Program Chair: Professor Reginald Leamon Robinson, Howard University Law School and Mid-Atlantic People of Color Legal Scholarship Conference; Fundraising Co-Chairs: Professor Linda S. Greene, University of Wisconsin-Madison School of Law and Midwestern People of Color Legal Scholarship Conference, Inc. and Professor Leonard M. Baynes, Western New England Law School and Northeastern People of Color Legal Scholarship Conference; Members: Professor Margaret Chon, Seattle University School of Law and Western People of Color Legal Scholarship Conference; Professor Bryan K. Fair, University of Alabama School of Law and Southeastern People of Color Legal Scholarship Conference; Professor Sheila Foster, Rutgers University School of Law-Camden and Mid-Atlantic People of Color Legal Scholarship Conference; Professor Tanya Hernandez, St. John's University School of Law and Northeastern People of Color Legal Scholarship Conference; Professor Steven H. Hobbs, Tom Bevill Chair, University of Alabama and Southeastern Regional People of Color Legal Scholarship Conference; Professor Darren Lenard Hutchinson, Southern Methodist University School of Law and Southwestern People of Color Legal Scholarship Conference; Professor Rogelio Lasso, Washburn University School of Law and Midwestern People of Color Legal Scholarship Conference, Inc.; Professor George Martinez, Southern Methodist University School of Law and Southwestern People of Color Legal Scholarship Conference; Professor Laura Padilla, California Western School of Law and Western People of Color Legal Scholarship Conference; Professor Antoinette Sedillo

Lopez, University of New Mexico School of Law and Southwestern Regional People of Color Legal Scholarship Conference.

The Sponsors were: American University-Washington College of Law (Dean Claudio Grossman); Boston College Law School (Dean James S. Rogers); The John Marshall Law School (Dean Robert G. Johnston); The Law School Admissions Council (LSAC) (Dean Leo Romero, President); Northern Illinois University School of Law (Dean LeRoy Pernell); Ohio State University School of Law (Dean Gregory Williams); Quinnipiac College School of Law (Dean Neil H. Cogan); Seattle University School of Law (Dean James E. Bond); University of Alabama School of Law (Dean Kenneth C. Randall); Howard Universtiy School of Law (Dean Alice Gresham Bullock).

The Patrons were: Fordham University School of Law (Dean John D. Feerick); Washburn University School of Law (Dean James M. Concannon); and Wayne State University School of Law (Dean Joan Mahoney).

The Supporters were: Georgia State University College of Law (Dean Janice C. Griffith); Notre Dame Law School (Dean David T. Link); Rutgers University School of Law-Camden (Dean Rayman L. Solomon); Suffolk University Law School (Dean John E. Fenton, Jr.); Syracuse University College of Law (Dean Daan Braveman); University of Houston Law Center (Dean Stephen Thomas Zamora); University of Nebraska College of Law (Dean Nancy B. Rapoport); University of Tennessee College of Law (Dean Thomas C. Galligan, Jr.); and Western New England School of Law (Dean Donald J. Dunn).

Five Plenaries were convened and a Luncheon Speech was presented:

The Opening Plenary (Plenary 1) on Thursday, March 25 included: Opening Remarks: Professor Linda R. Crane, The John Marshall Law School and Chair, National Steering Committee; Hosts Welcome: Dean Robert G. Johnston, The John Marshall Law School; Introduction of Proceedings: Professor Reginald Leamon Robinson, Howard University School of Law; Introduction of Speaker: Professor Linda S. Greene, University of Wisconsin-Madison School of Law, *The Role & Responsibility of Intellectuals of Color*; Keynote Address: Juan Williams, Washington Post columnist and author of *Thurgood Marshall: American Revolutionary* (1998) and *Eyes on the Prize: America's Civil Rights Years, 1954–1965* (1988); Responders: Professor Elvia Arriola, University of Texas School of Law, Professor Sumi Cho, DePaul University School of Law; Professor Neil Gotanda, Western State University School of Law; Dean Rennard Strickland, University of Oregon School of Law and President-elect, LSAC; Professor Kendall Thomas, Columbia University School of Law; Professor Adrien Wing, University of Iowa School of Law.

Plenary 2: *Celebrating Our Emerging Voices: People of Color Speak, Conference or Tower of Babble?* was held on Friday, March 26 included: Moderator: Professor Leslie Espinoza, Boston College Law School; Panelists: Professor Shuba Ghosh, Georgia State University; Professor Cheryl Harris, University of California-Los Angeles School of Law; Professor Twila Perry, Rutgers University-Newark School of Law; Professor Frank Valdes, University of Miami School of Law; Professor Leland Ware, St. Louis University School of Law; Professor Fred Yen, Boston College Law School. Luncheon Speaker: Professor Rachel Moran, University of California-Berkeley.

Plenary 3: *Nurturing Our Emerging Voices: The Creative Process* included: Moderator: Professor Ian Haney Lopez, then visiting at Yale Law School; Panelists: Professor Jody Armour, University of Southern California School of Law; Professor Dennis Greene, University of Oregon School of Law; Professor Lisa Crooms, Howard University School of Law; Professor Sharon Hom, City University of New York Law School; Professor Kevin Hopkins, The John Marshall Law School.

Plenary 4: *Deans of Color Speak: Opening the Doors for Students, Faculty and Administrators of Color* included: Moderator: Dean LeRoy Pernell, Northern Illinois University

marveled at the rich mix of energy, substance, organizational excellence, and pure style evident over the course of the meeting.[7] But more seasoned and senior professors noted that the meeting was among the most intellectually fruitful of a long-running tradition of meetings and conferences organized by professors of color.[8]

The First National Meeting was a culmination of a tradition of meetings and conferences uniting professors of color. Forming into minority-run legal educational institutions, these meetings and conferences have played essential roles in the evolution of legal education. As minority-run legal education institutions, they are catalytic forces in the breakdown of apartheid in American legal education, essential to the survival and prosperity of minority scholars in a continuing environment of tokenism, and central in the development of distinctive legal scholarly voices unique to the "outsider" perspective of minority professors. Thus, the minority-run meetings and conferences played a central role in

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School of Law; Panelists: Dean Alice Gresham Bullock, Howard University School of Law; Wallace Loh, Former Dean of University of Washington Law School; Dean Debrina Madison, New College of California Law School; Dean Bill Piatt, St. Mary's University School of Law; Dean Daniel Rodriguez, University of San Diego School of Law; Dean Gregory Williams, President American Association of Law Schools (AALS) and Ohio State University School of Law.

The Closing Plenary (Plenary 5) was a wrap-up discussion convened by the National Steering Committee.

The LSAC Dinner Panel Discussion: *The Impact of the LSAT on Law School Minority Admissions*, was sponsored by the Law School Admissions Council and included: Moderator: Charles E. Daye, Henry P. Brandeis Distinguished Professor of Law, University of North Carolina School of Law; Panelists: Richard Adams, Ph.D., Director of Test Development, Law School Admission Council; Taunya Lovell Banks, Jacob A. France Professor of Equality Jurisprudence, University of Maryland School of Law; C. Keith Wingate, Professor of Law, University of California-Hastings College of Law. *See* The First National Meeting, *supra* note 2.

7. Professor Lateef Mtima of Howard University Law School noted that:

> Of all the academic and preparatory conferences I've attended since making the transition from private practice to the legal academy, the First National Meeting . . . has had the greatest impact on my scholarly and professional development . . . . [T]he opportunity to participate in all the communal aspects of the conference was invaluable.

Letter from Lateef Mtima, Professor, Howard University Law School, to Linda S. Greene, Professor, University of Wisconsin-Madison School of Law 1 (Sept. 20, 1999) (on file with author).

8. In her forthcoming article *Flight from Cuba*, Professor Joyce Hughes acknowledges, "The First National Meeting of the People of Color Legal Scholarship Conferences acted as a catalyst to complete and publish this article." Joyce Hughes, *Flight from Cuba*, 35 CAL. W. L. REV. (forthcoming 1999). Professor Joyce Hughes is currently at Northwestern and has been teaching since 1971 and has enjoyed a career spanning the evolution of a tradition of law professors of color, organizing meetings and conferences both within and without the historically White academy.

transforming the dialogue about race and ethnicity in American legal scholarship.[9]

In this paper, I trace the history of these meetings and conferences since 1969. In Part II, I explore the range of meetings and conferences which outlined the development of a proactive agenda for minority student and faculty inclusion within mainstream historically White legal institutions and the evolution of this agenda from one of access to an agenda of security, retention, and the advancement of legal theory and scholarship within and without the established academy. Part III chronicles the maturation of this tradition of independent meetings and conferences of professors of color into a network of legal education institutions promoting institutional, as well as ideological, pluralism. Finally, my concluding comments are devoted to an analysis of the two-fold function of this tradition of meetings and conferences: to combat the paradoxical isolation and heightened visibility of professors of color within historically White institutions and to generate legal theory responsive to the experiences of people of color.

I. THE EARLY AGENDA: INCREASING THE NUMBER OF MINORITY STUDENTS AND MINORITY FACULTY

The early meetings of legal scholars of color focused on the development of a proactive agenda for minority student and faculty inclusion. The meetings and conferences of legal scholars of color arose out of the American Association of Law Schools' (AALS) efforts to end racial discrimination in law schools following the decision of *Sweatt v. Painter*[10] in 1950. Even in 1986–1987, virtually all law professors of color were still

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9. As the author has previously stated:

> Outsider Scholarship may be action, but only under certain conditions. Its method and message must be oppositional and its implications potentially transformative. Legal scholar messengers must be prepared to evaluate the affiliation and other constraints which may affect the clarity of an outsider vision. In addition, it is crucial that outsider legal scholars create and maintain institutions which afford them the necessary critical space in which to structure oppositional institutions and formulate an authentic outsider perspective. Under these conditions, outsider scholarship may be oppositional, and potentially transformative action.

Linda S. Greene, Outsider Scholarship as Action!, Address Before the Southwestern and Southeastern Scholars of Color Conference 1 (April 30, 1993) (on file with author) [hereinafter April 30 Paper].

10. 339 U.S. 629 (1950).

employed exclusively at the historically Black law schools.[11] The initial effort to end apartheid in legal education was advanced by a sole AALS committee of seventeen members including three persons of color.[12] Later this monopoly was challenged, starting with the independent formation of the Caucus of Black Teachers in 1969 which was led by Derrick Bell of Harvard Law School and Spencer Boyer of Howard University Law School.[13] The Caucus of Black Teachers charged that the legal profession, the Bar, and the AALS had been "unresponsive to the need[s] and aspirations of black people."[14]

The next few years were marked with increased activity by the predominantly White AALS Committee on Minority Groups as well as the Caucus of Black Teachers.[15] During this period, both groups worked to develop institutional responses to historical racism in legal education. By 1973, the pre-existing AALS Committee and the Black Caucus "merged" and continued to work on issues affecting minority teachers under the auspices of a newly established AALS Section on Minority Groups.[16]

Arising out of this call for an agenda responsive to the needs of Black law faculty, the AALS Section on Minority Groups marked an inclusion of people of color law professors as leaders within a group devoted to

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11. According to a Society of American Law Teachers (SALT) survey, the percentage of African American law professors in White-run institutions rose from 2.8% in 1980-81 to 3.7% in 1986-87. *See* Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537, 538 (1988). In 1986-87, one-third of these law schools had no African American faculty members, one-third had one, and less than a tenth had more than three. *See id.* at 539.

12. *See* Andrew Wm. Haines, *The Ritual of the Minority Law Teachers Conference: The History and Analysis of the Totemic Gathering of the Shaman to Reconsecrate the Tribal Totem of Law School*, 10 ST. LOUIS U. PUB. L. REV. 393, 403 (1991) [hereinafter Haines, *The Ritual*] (noting that by 1969, the only three people of color who sat on the AALS Committee were Oliver Morse, Kenneth S. Tollett, and Melvin D. Kennedy, the Director of the Council for Legal Education Opportunity (CLEO)).

13. *See id.*

14. *See* Haines, *The Ritual*, *supra* note 12, at 403; *see also* Derrick Bell, Committee Reports of the Caucus of Black Teachers, *in* ASSOCIATION OF AMERICAN LAW SCHOOLS, 1969 PROCEEDINGS, PART TWO 146. Derrick Bell announced at the AALS Annual Meeting on CLEO:

> We, the black law teachers in this country have therefore established by acclamation a *permanent* Caucus of Black Law Teachers to deal with those problems peculiar to us. It is our plan to meet within the next few months and to provide this body with a detailed set of recommendations as to actions which can be taken.

Id. (emphasis added).

15. *See* Haines, *The Ritual*, *supra* note 12, at 405–06.

16. *See id.*

advancing the interests of minority professors within the AALS.[17] This section held a conference, within a series of other meetings, in which the concerns of minority scholars such as the problem of tokenism, recruitment of minority professors, students, and school administrators, as well as issues related to teaching and the role of minority law professors as activists were addressed.[18]

Between 1973 and 1984, law professors of color met under and outside of AALS auspices to discuss common problems confronting minority legal scholars.[19] The AALS sponsored a Minority Law Teachers Conference (MLTC) in October of 1978 which was organized by a committee dominated by people of color.[20] The topics ranged from recruitment of minority law teachers and the classroom experiences of minority law professors to the demands of minority law professors associated with retention, tenure and promotion. In addition, professors of color also organized their own conferences without AALS participation or support to discuss the conditions of their employment within historically White institutions and their role as legal scholars. In part, these meetings were organized to provide a more extended time to discuss common concerns than was possible during the meeting's two hour slot available at AALS

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17. *See id.* at 405–07.

18. *See id.* at 407.

19. *See id.* at 405-410.

20. Mildred Ravenell, a Black female law professor at Florida State was the project director. Other committee members included Black male professors Henry Ramsey, Jr., University of California-Berkeley; Ronald Davenport, Duquesne; Ronald Kennedy, Northwestern; Samuel Thompson, Virginia; and Native American Professor Rennard Strickland, Tulsa. Rounding out the committee were Frederick Hart, New Mexico; John Cribbett, Illinois; and Victor Stone, Illinois. *See* Program, Minority Law Teachers Conference October 27th–29th 1978.

This 1978 Minority Law Teachers Conference:

> was probably one of the most exciting and contentious meetings which I think those of us who were teaching in 1978 can remember. There was a great deal of ferment, of discussion, argument and richness to this meeting. And I think that the fact that there were very few professors of color at that time, the fact that the conditions of our lives were often very stressful, that our position in the academy was tentative, that our institutions were extremely ambivalent about our role generally, all contributed to a meeting in which a number of issues were explored about the terms and conditions of our lives as professors.

Linda S. Greene, Address at the Capital University Law School 4-5 (March 3, 1998) (on file with author) [hereinafter March 3 Speech]. *See also* April 30 Paper, *supra* note 9, at 3 (explaining that meetings of law professors of color "dedicated to the exploration of issues of mutual concern" embody "a tradition of seeking space for self-reflection, self-definition, self-criticism, and self-reconstruction in the pursuit of a race-transformative vision").

annual meetings which included scores of meetings of various sections. In addition, at the time the MLTC began, the AALS had organized only one meeting to address minority law teacher concerns up until 1978. In contrast, the meetings and conferences of the MLTC addressed a wider range of issues from the inclusion and welfare of professors of color to the critique of dominant legal ideology.[21]

These meetings and conferences reflected a desire to transform the role of professors of color in historically White institutions and a critique of traditional jurisprudence. One meeting focused on the development of legal theory challenging the calculus of mainstream jurisprudence and its tendency to minimize or render invisible the interests and needs of minorities and presaged the full flower of the critical race theory movement.[22] Professor Ralph Smith at the University of Pennsylvania organized a meeting of professors of color to develop an intellectual agenda for law professors of color.[23] A number of the scholars present subsequently became prominent in the Critical Race Theory Movement including Mari Matsuda of Hawaii, Charles Lawrence of Stanford, Regina Austin of Pennsylvania and Neil Gotanda at Western State.[24] The meeting expanded the agenda of meetings held by professors of color to include the development of critical race theory and the organization of peer review of scholarly works in progress.

From these meetings emerged three themes that shaped the agenda for the later conferences of the Legal Scholars of Color Movement. First, the meetings were the wellspring for the development and exploration of diverse issues from access and entry into the academy to the conditions undermining the retention and promotion of minority scholars within historically White legal institutions. Furthermore, they introduced constructive critique and peer review of legal scholarship to the agenda of the meetings of law professors of color. And finally, the Bell and Smith

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21. These meetings were an outgrowth of the Houstonian vision of transforming society through the vehicle of transforming the law. *See* Haines, *The Ritual*, *supra* note 12, at 396.

Unlike the AALS meetings, these meetings provided a forum independent of the historically White academy and its institutions with an agenda driven by people of color. They provided a forum for professors of color to share their experience as well as forge strategies for surmounting the challenges they confronted within the environment of tokenism prevalent within historically white institutions. Further, these meetings provided a space for critique of legal doctrine in a forum receptive to jurisprudence rooted in the experience of people of color. *See id.* at 414–422.

22. *See id.* at 403.

23. *See id.* at 406.

24. The participants included Professor Mari Matsuda, then at Hawaii and now at Georgetown Law Center; Professor Charles Lawrence then at Stanford Law School and now at Georgetown Law Center; Professor Regina Austin continuing at University of Pennsylvania Law School and Professor Neil Gotanda continuing at Western State.

meetings were the origin of a tradition of independent organizing by professors of color without AALS sanction or funding.

In the development of this tradition of independence, the MLTC was a watershed event. Held at the University of San Francisco Law School and organized by Nerissa Skillman, the 1985 MLTC exemplified the synthesis of all three of the above elements.[25] Over 100 minority professors, the largest gathering until that point, explored issues of access and inclusion of professors of color within the historically White academy.[26] Presentations on scholarship included the now oft-circulated article by Professor Richard Delgado on writing law review articles,[27] and a proposal for a civil rights scholarship agenda,[28] as well as presentations on the demands of token status on scholarly productivity,[29] and physical and psychological health.[30] The 1985 MLTC was also a turning point. The sheer volume of participation evidenced a growing demand for a forum in which professors of color could gather to share common concerns. The conference also offered valuable information and mentoring to younger professors to nurture an emerging generation of scholars. Moreover, the conference addressed questions of scholarship and advancing legal theory. This meeting was an act of autonomous intellectual entrepreneurship, a

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25. *See* Symposium, *The 1985 Minority Law Teachers Conference*, 20 U.S.F. L. REV. 383–576 (1986). The Committee included Conference Organizer Professor Nerissa Skillman, University of San Francisco; Professor Roy Brooks, San Diego; Professor Charles Calleros, Arizona State; Professor Andrew Haines, William Mitchell; Professor Emma Jordan, University of California at Davis; Professor Charles Lawrence, University of San Francisco; Rachel Patrick, American Bar Association; and Professor Rennard Strickland, Southern Illinois. *Id.* at 383.

There were two other minority law teachers conferences in 1985: One was held in Washington, D.C., and jointly sponsored by the National Bar Association and the ABA Legal Education Conference, and the other was an Hispanic Law Teachers Conference which was held at University of California at Berkeley School of Law (Boalt Hall). *See Report on the NBA/ABA Legal Education Conference*, 20 U.S.F. L. REV. 525, 525 n.1 (1986).

26. *See* Derrick Bell, *Strangers in Academic Paradise: Law Teachers of Color in Still White Schools*, 20 U.S.F. L. REV. 385 (1986); Charles R. Lawrence, III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F. L. REV. 429 (1986); Rachel F. Moran, *Commentary: The Implications of Being a Society of One*, 20 U.S.F. L. REV. 503 (1986); Sonia Wright, *The Color Line Still Exists*, 20 U.S.F. L. REV. 515 (1986).

27. *See* Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445 (1986).

28. *See* Roy L. Brooks, *Civil Rights Scholarship: A Proposed Agenda for the Twenty-First Century*, 20 U.S.F. L. REV. 397 (1986).

29. *See* Rennard Strickland, *Scholarship in the Academic Circus or the Balancing Act at the Minority Side Show*, 20 U.S.F. L. REV. 491 (1986).

30. *See* Roy L. Brooks, *Life After Tenure: Can Minority Law Professors Avoid the Clyde Ferguson Syndrome?*, 20 U.S.F. L. REV. 419 (1986).

precursor to the emancipatory intellectual politics that would characterize the next decade of meetings and conferences of law professors of color.

II. THE DEVELOPMENT OF INSTITUTIONAL AND IDEOLOGICAL PLURALISM: A CHRONOLOGY

Over the next five years there was an explosion of meetings and conferences to meet the intellectual and institutional needs of professors of color. The Minority Law Teachers Conferences continued in 1986, 1987, and 1988.[31] When the AALS announced plans to sponsor a 1989 Workshop on Minorities in Legal Education, the MLTC deferred and did not organize a conference, concluding that the needs of law professors of color to share experiences, nurture, and mentor would be met in the AALS context. The title of the 1989 AALS Workshop was "Emerging Voices," focusing on the new voices in legal scholarship, the nurturing of those insurgent voices, and the integration of those voices into scholarship and teaching.[32] As important, at University of Wisconsin, in July 1989, the First Critical Race Theory Workshop took place.[33] Participants in the workshop discussed the foundations and antecedents of this emerging critical perspective and presented and critiqued draft articles embodying a new school of critical legal theory, rejuvenating contemporary scholarly debate and challenging racist presumptions of established theory.[34] In

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31. *See* Haines, *The Ritual*, *supra* note 12, at 411.

32. *See Upcoming AALS Conferences and Workshops: Minorities in Legal Education*, ASSOC. OF AMER. LAW SCHOOLS NEWSLETTER, Sept. 1989, at 9. The 1989 program of the AALS Minority Law Teachers Workshops was markedly different from the 1978 AALS Minority Law Teachers Workshop. While the earlier workshop focused on issues of access and security, the 1989 Minority Law Teachers Workshop evidenced the multiplicity of concerns addressed by the prior and autonomous meetings and conferences.

33. *See* Program from the Critical Race Theory Conference, at The University of Wisconsin-Madison Law School (July 7-12, 1989) (on file with author) [hereinafter Wisconsin CRT Conference]. The Organizing Committee included Professor Kimberlé Crenshaw, UCLA; Professor Richard Delgado, Wisconsin; Professor Neil Gotanda, Western State; Professor Theresa Miller, Wisconsin; and Professor Stephanie Phillips, SUNY Buffalo. *Id.*

34. In a classic footnote to her article, *A Black Feminist Critique of Antidiscrimination Law and Politics*, Kimberlé Crenshaw set forth some basic tenets of critical race theory:

> While no determinative definition of the work is yet possible, one can generally say that the literature focuses on the relationship between law and racial subordination in American society. It shares with liberal race critiques a view that law has provided an area for challenging white supremacy. Critical race theory goes beyond the liberal critiques, however, in that it exposes the facets of law and legal discourse that create racial categories and legitimate racial subordination.

> Other broad themes common to critical race theory include the view that racism is endemic to, rather than a deviation from, American norms. This developing literature reflects a common skepticism toward dominant claims of meritocracy, neutrality, objectivity, and color blindness. Critical race theory embraces a contextualized historical analysis of racial hierarchy as part of its challenge to the presumptive legitimacy of societal institutions. . . . Critical race theory draws upon several traditions, including poststructuralism, postmodernism, Marxism, feminism, literary criticism, liberalism, and neopragmatism . . . and radical pluralism . . . . Critical race theory goes beyond liberal understandings of race and racism by exploring those of its manifestations that support patriarchy, heterosexism, and class stratification. The normative stance of critical race theory is that massive social transformation is a necessary precondition of racial justice.

Kimberlé Crenshaw, *A Black Feminist Critique of Antidiscrimination Law and Politics, in* THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE 195, 213–14 n.7 (David Kairys ed., 1990).

Later, these tenets were incorporated into the Wisconsin Conference on Critical Race Theory which was held November 9–10, 1989 at the University of Wisconsin-Madison (on file with Author), which posited that legal discourse on race was presently in a post-reform period, exemplified primarily by the exhaustion of traditional civil rights strategies and the continuation of racial subordination in the United States.

While the civil rights movement did manage to destroy certain forms of de jure racial discrimination, virulent, institutionalized racism continues to plague people of color. The situation poses serious conceptual and political problems which must be addressed by all intellectuals and activists concerned about people of color. Legal scholars and critical race scholars have a special obligation to expose and condemn current popular themes in legal discourse about race—such themes as neutrality, objectivity, color-blindness, meritocracy and formal equality—that allow the dominant discourse to appear neutral and apolitical. The special contributions of scholars working on critical race theory arise from a unique blend of diverse scholarly traditions, i.e. civil rights; social political and discursive theory; feminist theory; post-modern literary criticism; Marxism and critical legal studies. The Wisconsin Conference offered all scholars an opportunity to join the scholarly dialogue.

Later, I observed:

> [Patricia] Williams joins other legal scholars who desire an expansion of the analysis of race beyond traditional doctrinal terms. These scholars use a variety of methods to illuminate the role of legal discourse in the perpetuation of racial subordination. Her focus on the stories of victims is similar in spirit to that of Richard Delgado and Mari Matsuda, who demand a vision of legal knowledge that includes the perspectives and experiences of oppressed people in the critique and reformulation of legal doctrine. Williams's explicit embrace of an interdisciplinary framework is shared by Derrick Bell's important work on race law and Charles Lawrence's work on unconscious racism. The effects of legal doctrine in obscuring the law's role in subordination—through claims of neutrality and meritocracy—is also of vital interest to Kimberlé Crenshaw as well as Lawrence. Moreover, the concern with the dynamics of multiple subjectivities—race and gender—can also be seen in the writing of Crenshaw and Matsuda. Finally, . . . Williams breaks new ground, as did Bell in

February 1990, the Midwestern People of Color Legal Scholarship Conference held its first annual meeting in Chicago.[35] In October of 1990, the Minority Law Teachers Conference met in Cincinnati, Ohio.[36] And in July of 1989 the Wisconsin Conference on Critical Race Theory was convened,[37] where for the first time assembled and subjected to public scrutiny, the leading critical race theorists presented their developing ideas.[38] The Wisconsin Conference on Critical Race Theory was open to all comers and was an opportunity to hear and discuss emerging tenets of critical race theory. The presentation of the Critical Race Theory workshop was an important influence in an emerging trend of ideological as well as institutional pluralism characteristic of the late eighties and early

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Chronicles and the book length version [of that piece] *And We Are Not Saved.*

Linda S. Greene, *Breaking Form*, 44 STAN. L. REV. 909, 922 (1992) (reviewing PATRICIA J. WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS (1991)), (footnotes omitted). *See generally* CRITICAL RACE THEORY: A READER (Kimberlé Crenshaw et al. eds., 1995).

35. *See* Program from Midwestern People of Color Legal Scholarship Conference held at Loyola University (Chicago) School of Law (Feb. 10, 1990) (on file with author).

36. *See generally Minority Law Teachers Conference: Nurturing Young Scholars: The Mission of Minority Law Teachers in the 1990s*, 10 ST. LOUIS U. PUB. L. REV. 145–435 (1991) [hereinafter MLTC 1990] (publishing the papers from this important conference).

37. *See* Wisconsin CRT Conference, *supra* note 33. The author was Conference Chair. The conference was the first occasion on which the emerging Critical Race Theory movement "went public," inviting all comers to discuss their work. The speakers included scholars such as Robin Barnes, Derrick Bell, John Calmore, Kimberlé Crenshaw, Harlon Dalton, Richard Delgado, Neil Gotanda, Linda Greene, Charles Lawrence, Mari Matsuda, Elizabeth Patterson, Stephanie Phillips, John A. Powell, Kendall Thomas, Gerald Torres and Patricia Williams. *Id.*

38. The 1989 workshop was limited to a small number of people collectively interested in exploring the foundations of an emerging critique of liberal legal ideology and was attended by law professors of color committed to this exploration. *See id.* Topics discussed were: (1) *Introductory Readings: A Primer*, Presenters: Robin Barnes, John Calmore, Taunya Banks; (2) *Political and Epistemological Themes in Critical Race Theory*, Commentators: Derrick Bell, Richard Delgado, Mari Matsuda, Stephanie Phillips; (3) *Towards a Critique of Colorblind*, Neil Gotanda, Presenter: Anita Allen, Commentator: Kendall Thomas, (4) *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antidiscrimination Doctrine*, Kimberlé Crenshaw, Presenters: Benita Ramsey, Pat Williams; (5) *Race and Essentialism in Feminist Legal Theory*, Angela Harris, Presenter: Elizabeth Patterson, Commentator: Teri Miller; (6) *Anti-Integrationist's Critique of School Desegregation: Making The Case For Black Colleges*, Teresa Miller, Presenter: Kevin Brown, Commentator: Philip Nash; (7) Rouge et Noir *Re-read: Towards a Popular Memory of Constitutional Law*, Kendall Thomas, Presenter: Muhammed Kenyatta, Commentator: Mari Matsuda; (8) *Rights Refused: The Jurisprudence of Exclusion*, Anita Allen, Presenter: Harlon Dalton; (9) *Expanding the International Definition of Refugee: Peace, Human Rights, A Multicultured View*, Isabelle Gunning; presenter: Trina Grillo, Commentator Neil Gotanda; (10) *Rethinking Minority Business Development Strategies After* City of Richmond v. J. A. Croson Co., Robert Suggs, Presenters: Richard Delgado, David Hall, Commentator: Linda Greene. *See id.*

nineties. However, it was not the only influence in this very rich period in the history of legal education.

The early nineties were a time of dynamic growth within this tradition of organizing by professors of color and the period witnessed a blossoming discourse on questions of pedagogy and legal theory. The 1990 MLTC discussed a score of issues confronting minority scholars at the beginning of their careers within majority White institutions, the frustrations and joys of a life spent in the pursuit of scholarship, and the political implications of scholarly work.[39] The following year, the MLTC was devoted to the promotion and development of legal theory responsive to the minority experience.[40] In addition, like the 1989 MLTC, the 1991 conference examined pedagogical questions concerning the integration of race perspectives into teaching and second generation issues of diversity central to recasting post-apartheid legal education.[41]

The Northeastern Corridor, a meeting of African American female law professors, is another contemporaneous example of the proliferation of meetings and organizations designed to satisfy a wide range of needs of professors of color. Providing fellowship in a safe environment and space for scholarly critique and ideological exploration, the Northeastern Corridor met initially in 1988 as an informal discussion group and expanded its meetings to several per year.[42] The genesis was a growing awareness of the commonalties of the experiences of Black female law professors in legal education as well as an emerging legal theory analyzing race and gender intersectionality which focused specifically on the legal system's marginalization of Black women's experiences.[43] The group, which is not

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39. The 1990 Minority Law Teachers Conference was entitled "Nurturing Young Scholars: The Mission of Minority Law Teachers in the 1990s." *See* MLTC 1990, *supra* note 36.

40. *See Association of American Law Schools Section on Minority Groups Newsletter*, ASSOC. OF AMER. LAW SCHOOLS SECTION ON MINORITY GROUPS 1989-95, 1991, at 11.

41. *Id.*

42. Founding participants include Emma Jordan, Patricia King, Elizabeth Patterson and Anita Allen from Georgetown; Taunya Banks and Kathy Vaughn of Maryland; Linda Greene of Wisconsin; and Paulette Caldwell of New York University. *See also Black Women Law Professors Form Study Group*, ASSOC. OF AMER. LAW SCHOOLS SECTION ON MINORITY GROUPS NEWSLETTER, Oct. 1989, at 2 (announcing the formation of this group, reporting its members and reporting recent activities). *See also* Linda S. Greene, *Tokens, Role Models, and Pedagogical Politics: Lamentations of an African American Female Law Professor*, 6 BERKELEY WOMEN'S L.J. 81, 86-87 (1990) (discussing the unique experiences of African American female law professors operating within majority white male institutions).

43. *See, e.g.*, Regina Austin, *Sapphire Bound!*, 1989 WIS. L. REV. 539 (1989) (analyzing the pressures on minority female scholars face to put their scholarship in race and gender neutral terms and arguing for a legal jurisprudence based on the material conditions of Black women's lives and their critiques of a white, male, and middle-class dominated society); Crenshaw, *supra* note 34, at 195-212 (discussing the failure of existing

confined to the northeastern geographic areas, continues to meet to explore common concerns and scholarship.

This blossoming institutional and ideological pluralism was accompanied by an increasing racial pluralism within the meetings held by professors of color. Not only did the participants within these previously established institutions reflect a growing diversity among law professors, at least in terms of groups represented, if not in sheer numbers, but the early nineties witnessed distinct groups of minority professors beginning to organize around issues of unique interest to themselves. In the past five years the Conference of Asian Pacific American Law Faculty (hereinafter CAPALF) has provided a valuable meeting ground for Asian Pacific American legal scholars.[44] Indeed, this year (1999) will mark the first workshop held by the CAPALF devoted exclusively to the development of legal scholarship. Moreover, Latino/a law professors have organized and built institutions expressly to promote scholarship and academic camaraderie among their members. These meetings and activities of the Latino/a Law Professors Caucus, founded by Michael Olivas and Richard Delgado, focus specifically on the concerns of Latino/as. More recently, the LatCrit conferences have provided both a space for a majority Latino/a presence as well as the development of a legal theoretical perspective, which incorporates the concerns and interests of Latino/a scholars and Latino/a people.[45] The LatCrit movement is the direct intel-

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anti-discrimination doctrine to account for the intersectionality of both racial and gender-based discrimination). *See also* Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1990) (arguing that mainstream feminist legal theorists rely on "gender essentialism" and effectively silence the voices of minority groups "among them, the voices of Black women"); Deborah K. King, *Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology*, 14 SIGNS 42, 43 (1988) (discussing "[t]he dual and systematic discriminations of racism and sexism" that Black women have known and resisted); Judy Scales-Trent, *Black Women and the Constitution: Finding Our Race, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9, 12 (1989) (discussing "the problem of addressing 'multiple status' discrimination in the law" and exploring the question of how Black women "should be defined under the . . . Constitution"); Elaine W. Shoben, *Compound Discrimination: The Interaction of Race and Sex in Employment Discrimination*, 55 N.Y.U. L. REV. 793 (1980) (explaining the problems presented by compound discrimination faced by Black women in employment contexts and plaintiffs in such cases).

44. These conferences have produced several symposia. *See* 5 ASIAN L.J. 1 (1998) (Symposium on Race, Film, and Law); 40 B.C. L. REV. 1, 19 B. C. THIRD WORLD L.J. 1 (1998) (Symposium: The Long Shadow of Korematsu); 4 UCLA ASIAN PAC. AM. L.J. 1 (1996). The upcoming 6th Conference of Asian Pacific American Law Professors is scheduled for June 2000 in Hawaii. *See* Letter from Professor Fred Yen, Boston College Law School, to Professor Linda S. Greene, University of Wisconsin-Madison School of Law 1 (July 26, 1999) (on file with author).

45. The 1998 conference was devoted to the theme "Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory." *See* Francisco Valdes and Elizabeth Iglesias, *LatCrit III Conference*, RES IPSA LOQUITUR (April 22, 1998) <http://www.resipsa.org/

lectual product of a recognition of the distinctive Latino/a experience and the insight it offers to the study of law. Further, the experience of gay and lesbian law professors of color has gained increasing recognition for the insight and criticality this perspective sheds on our understanding of the multidimensionality of heteronormativity and racism informing American jurisprudence.[46]

To this already heady mix, it is necessary to add the meetings of the People of Color Legal Scholarship Conferences. This movement began in 1990, when the author, new to the Midwest, decided to bring together scholars of color in the Midwestern states to create a community and facilitate an intellectual exchange and critique of works in progress. The intention was to create a critical space in which scholars from divergent racial and ideological backgrounds could share in the rewards of the intellectual camaraderie in a scholarly community beyond the reach of tokenism. This conference successfully expanded upon the traditions of independence and cooperation exemplified in the prior meetings and conferences of professors of color.[47] So much so, in the ensuing ten years law professors of color formed five similar conferences—Mid-Atlantic,[48] Southwestern,[49]

042298/art15.html> (This conference was sponsored by The University of Miami School of Law).

The first distinct discussion of LatCrit theory was held as a colloquium during the 1995 Annual Meeting of the Hispanic National Bar Association. This theory is devoted to fostering legal discourse centering on Latinos/as and further relating these experiences to those of other groups. Academics from other disciplines are also featured. *Id.*

46. *See* Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Anti-Racist Politics*, 47 BUFF. L. REV. 1 (1999) (analyzing race-sexuality critiques as the newest branch of the critical discourse).

47. On February 10, 1990, Professor Norman Amaker of Loyola University (Chicago) School of Law, agreed to host the first conference and his Dean, Nina Appel, generously provided support. *See* Program from the Midwestern People Of Color Legal Scholarship Conference at Loyola University School of Law (Feb. 10, 1990) (on file with author).

48. The 6th Annual Mid-Atlantic People of Color Legal Scholarship Conference will be hosted by Widener University School of Law, Wilmington, Delaware, on February 10–12, 2000. The conference will focus on critiques of work in progress and discussion of legal theory trends and debates and Reggie Robinson will chair the conference planning committee. Letter from Reginald Leamon Robinson, Professor, Howard Law School, to Kevin Johnson, Professor, University of California-Davis (September 14, 1999) (correspondence on file with author).

49. *See* Reginald Leamon Robinson, *"The Other Against Itself": Deconstructing the* Violent Discourse *Between Korean and African Americans*, 67 S. CAL. L. REV. 15, 15 n.* (1993) (noting that his article originated at the Southwestern People of Color Scholarship Conference, jointly sponsored by the Association of American Law Schools and the University of Arizona on April 23 and 24, 1992).

Southeastern,[50] Western,[51] and Northeastern,[52] all of which include in their name People of Color Legal Scholarship Conference.[53]

The Midwestern People of Color Legal Scholarship Conference drew from the tradition of independence associated with the MLTC. Moreover, its focus on the development of legal scholarship was not new to legal scholars of color. Before 1990, the Minority Law Teachers Conferences had explored these concerns in a preliminary context, however, the development and mentoring of specific individuals was beyond the scope of those meetings. And though the Critical Race Theory Workshop took place nine months before and continued over the subsequent years, these workshops have focused on the development of scholarship exclusively within the emerging critical race theoretical paradigm. Thus a

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50. The Southwestern and Southeastern held a joint conference in May 1994. *See* Angela Gilmore, *They're Just Funny That Way: Lesbians, Gay Men and African American Communities as Viewed Through the Privacy Prism*, 38 How. L.J. 231, 246 n.* (1994) (noting that an earlier version was presented at the Southwestern/Southeastern People of Color in the Law Conference, May, 1994).

51. The Western Law Teachers of Color Conference was first held in the Bay Area in 1993. *See* Letter from Keith Aoki, Professor, University of Oregon Law School, to Linda S. Greene, Professor, University of Wisconsin-Madison School of Law 1 (July 28, 1999) (on file with author). The second conference in 1994 was held at Lake Arrowhead and arranged by Loyola Law School in Los Angeles and featured Sean Scott, John Calmore, and Gary Williams. *See id.* The 1995 conference was held in La Jolla, was organized by Cal Western Law School, and featured Bob Chang, Gloria Sandrino, Laura Padilla and Frank Valdes. *See id.* The 1996 conference was held in Santa Cruz, arranged by Hastings Law School and featured HG Prince and Keith Brown. *See id.* The 1997 conference was held in Albuquerque, arranged by the University of New Mexico Law School and featured Margaret Montoya. *See id.*

In 1998 the Sixth Annual Western Law Teachers of Color Conference took place at the Salishan Resort, Gleneden Beach, Oregon. Among the topics discussed were roundtable discussions entitled: (1) Critical Race Praxis: Multiracial Coalition Activism & Scholarship, and (2) Beyond Race Essentialist Politics: Multidimensional Coalition Building. *See* Program from the 1998 Sixth Annual Western Law Teachers of Color Conference in Glenedon Beach, Oregon (Mar. 6-8, 1998) (on file with author). This conference also featured plenary discussions on teaching and scholarship. *See id.*

52. The First Annual Northeastern People of Color Legal Scholarship Conference was entitled "Law Professors of Color in the Post Modern World" and was hosted by Western New England College School of Law. *See* Program from the First Annual Northeastern People of Color Legal Scholarship Conference: Law Professors of Color in the Postmodern World in Springfield, Massachusetts (Mar. 29-30, 1996) (on file with author).

53. The First National People of Color Program Letter of Invitation. From 1992 to 1995, the Southwestern, Southeastern, Western, Mid-Atlantic, and Northeastern regional conferences were organized using the Midwestern People of Color Legal Scholarship Conference [hereinafter The Midwestern] as a model for their work, and adopted its name—changing only the geographic reference. It is, therefore, particularly fitting that each of the regional conferences have agreed to forego their separate regional meetings in favor of planning and attending The First National Meeting in 1999—the year of the 10th annual meeting of The Midwestern. *See* The First National Meeting, *supra* note 2.

void—the absence of mentorship and non-ideologically based critique of scholarship—was filled by The Midwestern with annual meetings sponsored by an institution solely and lovingly devoted to the scholarly and intellectual development of minority professors—without ideological participation tests.[54] Ten years of meetings have produced a culture of critical self-reflection and a record of scholarly productivity.[55]

In 1997 another significant event in this dynamic period of growth for the People of Color Conferences took place. Linda Crane, Secretary Treasurer of The Midwestern, proposed to the 1997 annual meeting that The Midwestern take the lead in calling and financing costs associated with preliminary exploratory discussions of a national meeting to incorporate all the conferences. The conferences formed a National Steering Committee with representatives from each conference and chaired by Linda Crane to plan The First National Meeting of the Regional People

54. Over the next ten years, The Midwestern held ten meetings all of which focused on the development of scholarship by senior professor mentorship and group critiques of the works in progress of junior professors. The Midwestern was incorporated as a non-profit corporation. Developing an "emancipatory" model for funding its annual meetings, the conference adopted an innovative funding process, which awarded the privilege of hosting each annual meeting to the law school offering the most generous support for the conference. In addition, The Midwestern self-funded itself by charging a market rate to its annual meeting participants, the cost of which was met by the dean of the participant's law school, in recognition of the high value of the conference's mentoring services to its minority professor's law schools. These practices fostered for The Midwestern valuable peer-partner relationships with law school deans in the region which have hosted and funded the participation of minority professors presenting and critiquing papers—the quintessential reimbursable academic activity. This financial arrangement recognizes the valuable contribution of the Midwestern People of Color Legal Scholarship Conference as a legal educational institution existing parallel to historically white institutions. The conferences generate a high level of scholarship, which serves to both challenge and enhance legal theory. In addition the vitality of the academic life of the contributing and host institution is enhanced—an equitable exchange of mentorship and scholarship for The Midwestern's financial and institutional independence. They have also resulted in The Midwestern's financial as well as ideological independence and operational flexibility through the maintenance of a positive balance sheet. *See* BY-LAWS, *supra* note 4, at art. III, sec. A.3.a.

55. A general overview of scholarship generated from The People of Color Conferences includes: Linda S. Greene, *Jim Crowism in the Twenty-First Century*, 27 CAPITAL U. L. REV. 43 (1998); Linda S. Greene, *The Kenneth M. Piper Lecture: Sexual Harassment Law and the First Amendment*, 71 CHI.-KENT L. REV. 729 (1995); Cheryl I. Harris, *Finding Sojourner's Truth: Race, Gender and the Institution of Property*, 18 CARDOZO L. REV. 309 (1996); Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993); Joyce A. Hughes, *"Reverse Discrimination" and Higher Education Faculty*, 3 MICH. J. RACE & L. 395 (1998); IAN F. HANEY LÓPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1996); Hiroshi Motomura, *Haitian Asylum Seekers: Interdiction and Immigrants' Rights*, 26 CORNELL INT'L L.J. 695 (1993); LeRoy Pernell, *A Commentary on Professor Goplerud's Article, "NCAA Enforcement Process: A Call for Procedural Fairness"*, 20 CAP. U. L. REV. 561 (1991).

of Color Legal Scholarship Conferences, which was held March 25-27, 1999. It was entitled Celebrating Our Emerging Voices: People of Color Speak.[56] A fruition of the tradition of professors of color meeting and organizing parallel educational institutions, distinct yet complementary to the established historically White academy, the First National Meeting brought together the three themes emerging from this tradition. The First National Meeting was devoted to fostering the development of legal scholarship through peer review of works in progress and an embrace of ideological pluralism. It was organized independently of the AALS, and it provided an intellectual community in which scholars of color could avoid the environment of tokenism.[57]

III. THE MEETINGS OF LEGAL SCHOLARS OF COLOR— MODELS OF RESISTANCE AND RESILIENCY

This tradition of meetings may be explained as a response to two characteristics of post-*Brown* legal institutions of great concern to many law professors of color. One characteristic is the common experience of tokenism, a phenomenon of disproportionate numbers associated with isolation, increased visibility, and disproportionate burdens. The second characteristic is the resiliency of racism accompanied by debate over legal theory and the limitations on the role of law in the elimination of racial subordination. This tradition of meetings and conferences has been a proactive response to both of these phenomena.[58]

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56. *See* The First National Meeting, *supra* note 2.

57. This included the first meeting of law school deans of color organized by Dean LeRoy Pernell, Northern Illinois School of Law. Dean Pernell is currently coordinating "a special program to be held as part of the AALS meeting designed to attract faculty of color interested in becoming dean and discussing the practical implications of preparing yourself, marketing yourself and surviving the selection process." *See* Letter from LeRoy Pernell, Dean, Northern Illinois University College of Law, to Linda S. Greene, Professor, University of Wisconsin-Madison School of Law 1 (Aug. 29, 1999) (on file with author). The Deans of Color have also planned meetings at the AALS and ABA midyear meeting. *See id.*

58. Of course, the professors of color today who benefit from the meetings and conferences owe a debt to the legacy of Howard University Law School which historically nurtured black legal intellectuals and also collaborated in the development of legal theory which dramatically changed the constitutional landscape of America. *See, e.g.*, JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION (1994); RICHARD KLUGER, SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA'S STRUGGLE FOR EQUALITY (1975); GENNA RAE MCNEIL, GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS (1983); Leland Ware, *A Difference in Emphasis: Charles Houston's Transformation of Legal Education*, 32 HOW. L.J. 479 (1989).

The persistence of tokenism and its isolation of law professors of color has been documented by the Society of American Law Teachers (SALT) surveys conducted in the eighties.[59] Two SALT surveys, one in 1981 and the latter in 1987, demonstrated legal education's failure to desegregate. They revealed that there had not been a significant change in the numbers of law professors of color between 1981 and 1987. The 1981 SALT survey showed that 36 percent of law schools had no minority professors, 30.2 percent had one, and 19.4 percent had more than two.[60] By 1987, a subsequent SALT survey indicated that, still, 26.4 percent of all law schools had no minority faculty members.[61] Indeed, "[a]bout one-third of all schools in this [1987] study, have no black faculty members . . . [a]nother third have just one . . . [and] [l]ess than a tenth have more than three."[62] Professor Richard Chused, in his 1988 article, summed things up:

> For the entire group of 144 majority-operated schools in this study, the total number of black teachers increased at a rate of only eleven people per year between 1981 and 1987. The population of minority teachers generally rose by only about seventeen people per year over that same interval.[63]

Chused concluded from the SALT surveys that, "[r]acial tokenism is alive and well at American law schools."[64]

The meetings and conferences were a pro-active response to the tokenism, which continues to characterize the experience of most law professors of color. This tokenism is a model of limited integration in which institutions include a minimal number of people of color without altering the presumptively White character of an institution. A regime of tokenism is one of symbolic equality in which the professional lives of tokens exist within the paradox of isolation as a person of color within a majority White institution and the heightened visibility and scrutiny to which professors of color are exposed. As a result of these pressures, law professors of color are required to serve as the sign and symbol of equality

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59. *See generally* Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537, 539 (1988) (comparing the 1981 SALT survey with the SALT survey conducted in 1987, and arguing the data "demonstrate that minority professors in general, and black professors in particular, tend to be tokens if they are present at all; that very few majority-run schools have significant numbers of minority teachers; and that minority teachers leave there schools at higher rates than do their white colleagues").

60. *See id.* at 558.

61. *See id.*

62. *Id.* at 539 (footnotes omitted).

63. *Id.* at 540 (footnotes omitted).

64. *Id.* at 539.

on a range of law school and university committees, perform as role models for both majority and minority students, and meet community needs as well as disprove assumptions of group inferiority. This experience threatened to deprive early law professors of color the time and space necessary for individual, intellectual development.[65] The meetings and conferences thus served at least two functions in the lives of law professors of color. They provided parallel legal education institutions in which the presence of law professors of color was the norm, not aberrant. In addition, the meetings and conferences, especially those devoted to the development of scholarly work, provide a nurturing environment free of the assumptions of inferiority which accompany the environment of tokenism present in the dominant academy. As a result, these meetings illustrate the value of institutional pluralism, the formation of people of color-run legal education institutions parallel and distinct from, yet complementary to, the historically White legal academy.[66]

The philosophy of institutional pluralism is also evident in the diversity represented among the participants of the meetings themselves.

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65. These concerns are explored in detail in the 1985 Minority Law Teachers Conference Symposium. *See* Symposium, *The 1985 Minority Law Teachers' Conference*, 20 U.S.F. L. REV. 383, 383-576 (1986). *See also* Roy L. Brooks, *Life After Tenure: Can Minority Law Professors Avoid the Clyde Ferguson Syndrome?*, 20 U.S.F. L. REV. 419, 427 (1986) (discussing the unique internal and external pressures imposed upon tenured minority law professors); Rennard Strickland, *Scholarship in the Academic Circus or the Balancing Act at the Minority Side Show*, 20 U.S.F. L. REV. 491, 491-502 (also addressing the various pressures felt by minority law professors).

In addition, the issues of job stress and disproportionate burdens were the subject of a panel discussion and scholarship at the 1990 Minority Law Teachers Conference. *See* MLTC 1990, *supra* note 36. *See also* Linda S. Greene, *Serving the Community: Aspiration and Abyss for the Law Professor of Color* 10 ST. LOUIS. U. PUB. L. REV. 297, 297 (1991) (asserting that "in the current *regime of tokenism* which is characterized by an occasional professor of color in otherwise all white institutions, the university and the community subject a professor of color to conflicting demands and disproportionately high service obligations"); Andrew Wm. Haines, *Reflections on Minority Law Professors Balancing Their Duties and Their Personal Commitments to Community Service and Academic Duties*, 10 ST. LOUIS U. PUB. L. REV. 305, 307 (1991) (explaining that "[t]oday, minority law professors must identify and chart a sustaining and satisfying academic career amid a complex array academic duties and personal commitments and amid the maelstrom of political currents swirling in law schools"); James E. Jones Jr., *Warning: Community Service May Be Dangerous to a Teacher's Academic Health*, 10 ST. LOUIS U. PUB. L. REV. 337, 337 (1991) (positing that "[e]ven if service is more important than pay or perks, it may be wise to postpone devoting a major portion of time to service until after tenure"). In addition, Volume Six of the Berkeley Women's Law Journal published a symposium on the experiences of African American females in law teaching in which the author and other African American female professors chronicled their experiences. *See, e.g.*, Linda S. Greene, *Tokens, Role Models, and Pedagogical Politics: Lamentations of an African American Female Law Professor*, 6 BERKELEY WOMEN'S L.J. 81 (1990).

66. The diversity evident in the variety of meetings and conferences also reflects an embrace of institutional pluralism. *See* discussion *supra* Part III.

The meetings range from those with mixed purposes such as the MLTC, which over the last few decades has sought a remedial increase in the number of minority professors and students enrolled within the historically White academy as well as the advance of legal theory through the inclusion of race perspectives,[67] to those which almost exclusively focus on the development of scholarship, such as The Midwestern. Further, among those that focus on scholarship, some focus on a particular ideological perspective—the Critical Race Theory Workshop—while others support and encourage ideological diversity—The Midwestern.[68] Thus, the community of legal scholars of color participate both in institutions devoted to a critical and transformative ideological vision as well as institutions which eschew ideological boundaries. Each of these play an essential role to the advancement of minority interests and the promotion of scholarship responsive to race perspectives. Scholars with a critical ideological perspective are necessary to the transformation of American legal institutions—including doctrine—which have structurally and theoretically facilitated racial and class subordination, such as legal education tokenism, which but for these critiques, might effectively wear a mask as substantive equality. Collective ideological work engages us squarely in the battle for the domination of "the jurisprudential matrix."[69] In comparison, the later non-ideological cooperation builds an intellectual tradition of tolerance *among* legal scholars of color, exposing participants to a wide range of critical and doctrinal frameworks strengthening our scholarly and intellectual traditions. Consequently, this diversity of ideology and insight fosters both the survival and intellectual prosperity of professors of color.

The meetings and conferences were also a response to emerging limitations identified by legal scholars of color of the role of law in eliminating racial subordination. A prime example of such scholarship was the work of Derrick Bell in his historic casebook *Race, Racism and American Law*,[70] and his *Civil Rights Chronicles*,[71] as well as the work of other developing critical race theorists which predated the first 1989 critical race theory workshop. Later, much of this scholarship was generated during meetings and conferences of the critical race theory

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67. *See generally* Haines, *The Ritual*, *supra* note 12, at 397-419 (discussing the history and ideology driving the Minority Law Teachers Conferences).

68. *See supra* text accompanying notes 38-39.

69. J. Clay Smith Jr., *In Tribute: Charles Hamilton Houston*, 111 HARV. L. REV. 2173, 2174 (1998).

70. DERRICK A. BELL JR., RACE, RACISM AND AMERICAN LAW (2nd ed. 1980).

71. Derrick Bell, *The Supreme Court 1984 Term—Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985).

workshop, which ignited a critique of both legal doctrine and legal scholarship that captured the attention of adherents[72] and critiques alike.[73] The work of these scholars and the challenge they posed to established jurisprudence highlighted the need to create critical space in which to develop legal theory sophisticated enough to reflect the complexity and multiplicity of minority experience.

Through the creation of these parallel institutions, law professors of color defined and constructed a new reality that transcended the choices offered to scholars of color by historically White legal education institutions. By defining and constructing new institutions, law professors of color have challenged and avoided the classic paradigms of alienation and assimilation.[74] While the symbolism and isolation associated with tokenism threatened alienation from the institution as well as from other people

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72. *See, e.g.*, Kimberlé Williams Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988); Richard Delgado, *Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. R. REV. 133 (1982); Charles R. Lawrence, III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987); Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987); Symposium, *Excluded Voices: Realities in the Law and Law Reform*, 42 U. MIAMI L. REV. 1 (1987).

73. *See, e.g.*, Stephen Carter, *Academic Tenure and White Male Standards*, 100 YALE L.J. 2065 (1991); Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989).

74. This tradition of law professors of color meetings and conferences embodies an institutionalized reconciliation of the classic tension informing the W.E.B. DuBois/Booker T. Washington debate at the turn of the twentieth century. Briefly stated: Can, as Booker T. Washington contended, the empowerment of Black people be best pursued through the creation of external, separate institutions devoted solely to their interests—the impetus for his establishment of Tuskegee Institute in 1881. Or is the advancement of Black social equality best achieved, as Du Bois argued, by drawing on the institutional resources made available to those people of color matriculated into elite historically White institutions? Moreover can, as Du Bois believed, the talented tenth, the educated elite of both the White and Black community, achieve through dialogue a recasting of the American social and political landscape? This unfolding tradition of professors of color creating parallel education institutions, independent and yet complementary, to historically White institutions, grants the possibilities of dual citizenship reenvisioning the Washington and Du Bois conflict. Through this tradition of meetings and conferences professors of color enjoy the intellectual development and communal ethos of institutions in which they themselves are the majority, yet simultaneously engage the demands of political struggle for position through claiming the resources and power exercised within historically white institutions to define and construct social reality. Thus this classic conflict is no longer confined to a set of contradictory choices, but a paradox in which professors of color are free to cultivate their scholarly and political aspirations, while drawing on the strengths of both institutions to realize them. *See generally* BLACK LEADERS OF THE TWENTIETH CENTURY (John Hope Franklin & August Meier eds., 1982) (discussing the popular notion of the Du Bois/Washington conflict); W.E.B. DU BOIS, THE SOULS OF BLACK FOLK (1903) (also addressing the Du Bois/Washington conflict).

of color, the choice of assimilation requires a rejection of one's own distinct experiences in favor of the experience and perspective of the dominant group. Thus, integration under terms of tokenism and marginalization means the acceptance of a caste existence.

Unwilling to accept this status, law professors of color have challenged these paradigms with a model of dual citizenship. They have established legal education institutions which do not demand alienation, assimilation or caste status. The model of dual citizenship also provides the opportunity for unconditional belonging and affirmation in minority institutions. Moreover, the model of dual citizenship permits control by people of color of institutions *devoted* to *their* interests and *their* empowerment. The model of dual citizenship further allows the creation of emancipatory sites for reflection and work which are free from the historical weight of exclusion and marginalization.[75]

These conferences and meetings also create a new paradigm of independence *from* and in cooperation *with* historically White legal education institutions. Though the conferences and meetings are independent from traditional legal educational institutions, including law schools, the AALS, and the ABA, they have historically embraced a tradition of cooperation with these legal education institutions, which have hosted meetings and contributed both in-kind and financially in support of the meetings and conferences.[76] This tradition of cooperation arises from the concrete conditions of our employment and our intellectual lives as people of color within the historically White legal academy and thus inextricably tied to legal educational institutions. The tradition of cooperation also arises from the recognition that the desirability and the durability of our presence within legal education depends upon complex politics in which law professors of color must play a leading role. The tradition of cooperation is also evidence that historically White legal educational institutions value the contribution these parallel institutions make

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75. The People of Color Legal Scholarship Conferences provide forums for presentation of works in progress in an environment in which the intellectual and social interests of "minority" professors are shifted from the periphery to the center of scholarly discourse. Further, the People of Color Legal Scholarship Conferences help create a community of scholars founded on principles of mutual respect and scholarly endeavor. Thus professors with professional lives rooted in the historically white academy and its environment of tokenism can also enjoy the fruits of membership in a legal educational institution devoted to the interests of professors of color. *See* Mtima, *supra* note 7.

76. Examples include the support of thirty-six law schools for The First National Meeting of the Regional People of Color Legal Scholarship Conferences. The solicitation letter sent to sponsors discussed the contribution that the people of color conferences made to the whole of legal education. This generous support from American Law Schools reflects a recognition of the value of scholarship generated by the People of Color Legal Scholarship Conferences and the importance of its contribution to legal theory. *See* The First National Meeting, *supra* note 2.

to law professors of color and evolving legal theory. This tradition of the meetings and conferences of people of color is too rich for simple characterization. It is a tradition of opposition, of insurrection, of self-reflection and self-definition, of self-empowerment, of self-criticism, and of reconstruction. These meetings and conferences, grounded in themes of empowerment and development are essential to both our full intellectual development as well as to the transformation of legal pedagogy. Truly, law professors of color do contend for the intellectual and moral leadership in legal education, they have waged a successful campaign "of position"[77] to alter and influence legal education to redefine and reconstruct their reality.

77. Aronowitz, *supra* note 1 and accompanying text.