

External Roles of Deans of Color¹

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*Community Positioning and Voicing for Deans of Color

The external role of a dean, particularly within “minority” communities, has distinct political and social dimensions that often go beyond the traditional academic leadership role. We are often looked upon to be community leaders regarding a range of issues and we can be often perceived as a resource for generating political, economic and social change separate from the academy. This role as champion for the community in many ways is a continuation of a relationship that may exist prior to our administrative post, and indeed may pre-date our ensconcement into academe. The deans of Howard University College of Law have a long tradition of community activism through their roles as dean and are illustrative of this point. Professor J. Clay Smith, Jr., himself a former dean at Howard, tells us in his excellent work *Emancipation: The Making of the Black Lawyer 1844-1944*³, how the early deans of Howard promoted social and political change on behalf of African American communities outside of the university setting.

John Mercer Langston, the first dean of Howard Law School, traveled about the country, particularly in the south during the late 1800's, to promote not only Howard law school but the concept of the Black lawyer as an integral part of the protection of newly won rights for the Black community⁴. Dean Richard Theodore Greener, (1878-1880) is noted for his role, while dean, as “a spokesman for Negroes when he advocated migration of the freemen to western states such as Kansas to settle fertile land and escape oppression”⁵.

* Note that Randall Kennedy denies the unique voice of the third world viewpoint. Address

¹ This paper is an extract of an article by the author originally appearing at Deans of Color Speak Out: Unique Voice in a Unique Role@, **20 Boston College Third World Law Journal 43 (2000)**

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³University of Pennsylvania 1993

⁴ Id at p.42-43

⁵R. Logan and M. Winston, *Dictionary of American Negro Biography* 267 (1982), quoted by Smith, *Supra*, note 5, at 46

Dean Charles Hamilton Houston perhaps states most clearly the role that Deans of Color have in light of the special significance of legal training for African Americans, and all people of color. Speaking of the historically Black law school as preparing students to make a “full contribution to the social system, Houston states:

[the course of law study means] a difference in emphasis with more concentration on the subjects having direct application to the economics, political and social problems of the Negro.⁶

For those of us who serve as deans at other than historically Black institutions, the need and desire to serve as community advocate is no less compelling. The relationship of dean to community, for Deans of Color, is similar in many respects to that of political office holders who face a constituency that reasonably expects both that their concerns are your concerns and that you will “make them proud” with your demonstrated response to the call.

I cannot say that this role is always an easy one to fulfill. Indeed, I suspect that a significant percentage of those of us at predominately white institutions, who have been positioned between two worlds, opt to hear more clearly the call of “be a team player” issued by institutions that in fact are often reluctant to bring you off the bench in key games.

On the other hand, the Dean of Color, particularly at white institutions has the unique and important opportunity to view the applicability of law school resources to community needs from an experiential perspective that employs those unarticulated realizations of need and appropriateness that can only come from having lived the community’s life.

Opportunities to Speak Out and Leadership on Diversity in Legal Education - The National Debate

What our institutions do and say is closely watched by a nation that is wavering in its commitment to political and social justice. Our responsibility and opportunity, as deans to provide clear, strong leadership may make a real difference both within and outside of legal education.

This is particularly true when one pays attention to the swiftness and, indeed, glee, with which some universities across the country are embracing the conservative agenda and analysis of legal counsel and attorney generals⁷. The need and opportunity to speak out as a counter to a

⁶McNeil, Charles Hamilton Houston 3 BLACK L.J. 123,124 (1975), quoted by Smith, *Supra*, Note 5, at 50

⁷Witness the turn-around of the Texas Attorney General following the *Hopwood* decision. Janet Elliott, “Rights Leaders Fume As AG Embraces Federalism and Snubs Affirmative Action” 12 TEXAS LAWYER (May 6, 1996), See Also, Department of Education spoke-person Norma V. Cantu, Ken Myers, “ALAS Seminar Counsels Caution When Offering Race-based Aid”, NATIONAL LAW JOURNAL, A16, January 23, 1995

lack of institutional commitment, disguised as legal caution, is particularly strong for Deans of Color.⁸ While courage has no color, Deans of Color can speak with an experiential authority on issues within the academy from a vantage point seldom heard. Certainly the need for such authoritative voices is particularly great in the face of legal scholarship that has fueled a national debate on the very existence of people of color within the legal profession.⁹

Within the context of legal education Deans of Color have special stories to tell. The importance of storytelling, and its significance as a tool for scholars from other than the Anglo-European frame of reference, has been noted and discussed in some detail within the Critical Race Theory movement.¹⁰ The unique voice that the Dean of Color can add, however, has not received the same type of exposure or documentation. The lack of numbers and the lack of extended tenure of Deans of Color has been a formidable but not insurmountable barrier. The need for leadership from Deans of Color, within legal education is no where more evident than in the history of organizational efforts such as the American Law Deans Association. Formed in 1994 the ALDA was designed to provide deans with an opportunity to discuss issues affecting legal education and to formulate policy recommendation on those issues.¹¹ Yet a review of ALDA history would suggest that until very recently no Dean of Color had ever served in an officer or board of director capacity within the organization. It is a point of no small significance that during the organization's existence, a major area of criticism has been the perceived negative position of the ALDA on affirmative action, although such a position has been denied by the organization's president.¹² The importance of this point is not whether the ALDA has taken a position or no position regarding affirmative action but rather that Deans of Color have not been in leadership roles within this unique organization and thus unable to lead the formulation of a dialogue inclusive of a non-majority perspective.

Deans of Color of course share the same external roles of as non-deans of color. Fund raising,

⁸Although such a role is certainly not the exclusive domain of Deans of Color. The courageous and forthright stand of Barbara Aldave, former dean of St. Mary's University School of Law is a testament both to her commitment and the necessity of deans becoming agents of opposition to negative legal norms. Faced with hostile and fear based reactions to the *Hopwood* decision within Texas, Dean Aldave nonetheless confronted attempts at retrenchment with renewed efforts to assure access and strong statements in defense of Affirmative Action. Barbara Aldave, *Hopwood Conference, February 12-13, 1998:Remarks of Dr. Barbara Aldave, Keynote Speaker*, (July 13, 1999)<<http://resi.tamu.edu/remarks2.html>>. Her stand may have played a role in her ultimate dismissal as dean. Robert Elder Jr., "After Hopwood: Aldave Gets It, Morales Doesn't", 12 TEXAS LAWYER (March 3, 1997), as perhaps, did Roger Abrams', former dean at Rutgers, Newark, whose strong opposition to *Hopwood* was expressed with the same intensity as his views on other matters that are dangerous for deans. Evelyn Apgar, "Jersey Law Schools: We'll Keep Affirmative Action" 6 N.J. Lawyer 962 (April 21, 1997).

⁹Lino A. Graglia, *Podberesky, Hopwood, and Adarand: Implications for the Future of Race-Based Programs* 16 N.III. Univ. L. Rev. 287 (1996)

¹⁰See, Richard Delgado, *Legal Storytelling: Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989), Thomas Ross, *The Richmond Narratives*, 68 TEX. L. REV. 389 (1989)

¹¹Letter of ALDA President Scott H. Bice, to ABA deans dated September 15, 1997.

¹²Letter of ALDA President Ronald A. Cass to Dean Wirtz, dated December 3, 1997, and provided to all ABA deans

alumni, professional influencers, and attention to the socio-political landscape are among the growing responsibilities of deans in a multi-disciplined, global community. Neither time nor space allows adequate justice to be paid to these areas. However the future of legal education may well depend on recognition that legal education is no longer the province of the the space within four walls. It is the dean who will be the avatar of such recognition.