

Two Men and Twenty Years of Meetings: Norman Amaker, Derrick Bell, and the Midwestern People of Color Legal Scholarship Conference from 1990–2010

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Professor Norman C. Amaker was a giant in the legal academy who taught at Loyola University Chicago School of Law for nearly twenty-five years.¹ Professor Amaker's roster of courses included constitutional law, civil rights legislation, civil procedure, federal jurisdiction, and remedies. He was also a prolific scholar who published a number of law review articles and a critically acclaimed book, *Civil Rights and the Reagan Administration*.²

When Norman Amaker received his B.A. *cum laude* from Amherst College in 1956, he was the only African American member of his graduating class.³ Three years later, he was the only African American to graduate from the prestigious Columbia University Law School.⁴ He spent the rest of his life combating the exclusion of people of color from American institutions, as well as the racial isolation that inevitably results when people of color are admitted into these institutions in pitifully small numbers.

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1. *Curriculum Vitae of Norman C. Amaker*, 33 LOY. U. CHI. L.J. 531, 531 (2002) [hereinafter *Curriculum Vitae*].

2. CIVIL RIGHTS AND THE REAGAN ADMINISTRATION (Norman C. Amaker ed., 1988) (discussing the historical evolution of presidential responsibility for enforcing civil rights and discussing the Reagan Administration's record in carrying out that responsibility in various areas, including education, housing, employment, and voting).

3. Nina Appel, *Reflections on the Life and Work of Norman C. Amaker*, 33 LOY. U. CHI. L.J. 535, 535 (2002).

4. *Id.*

In 1960, at the personal behest of the great Thurgood Marshall, Professor Amaker joined the staff of the NAACP Legal Defense and Educational Fund.⁵ From the “Freedom Rides” in 1961 to the march from Selma to Montgomery in 1965, Professor Amaker was the Legal Defense Fund’s primary lawyer for the Civil Rights Movement in Alabama.⁶ During this period, Professor Amaker represented his good friend Dr. Martin Luther King, Jr. and thousands of others in the civil rights protest demonstrations that were instrumental in reshaping America’s social and legal landscape.⁷ Throughout the remainder of the 1960s, Professor Amaker continued his groundbreaking work for the Legal Defense Fund as the organization’s First Assistant Counsel.⁸

Professor Amaker began teaching law in the early 1970s.⁹ In 1976, he joined the Loyola law faculty, where he taught until his untimely death in 2000.¹⁰ For many years, Professor Amaker was the only person of color on Loyola’s tenure-track faculty, just as decades before he had been the sole African American in his graduating classes at Amherst College and Columbia University Law School.¹¹ In 1989, I was honored to become the Loyola law faculty’s second African American member. Yet, as Professor Amaker surveyed the landscape of American academia, he was disappointed that there were still many law school faculties with no persons, or just one person, of color. As a result of his experiences in the civil rights movement, Professor Amaker was familiar with the special role professors of color played in shaping twentieth-century American law. For example, Charles Hamilton Houston, a professor at Howard University School of Law, is widely regarded as the chief architect of the strategy that led to the U.S. Supreme Court’s ruling in *Brown v. Board of Education*¹² that de jure segregation of public schools is unconstitutional.¹³ Professor Amaker

5. *Id.*

6. Drew Days, III, *Tribute to Norman Amaker*, 33 LOY. U. CHI. L.J. 539, 539–42 (2002).

7. *Id.*

8. *Curriculum Vitae*, *supra* note 1, at 531.

9. *Id.*

10. *Id.*; Appel, *supra* note 3, at 535.

11. Appel, *supra* note 3, at 536.

12. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954); *see also* Neil G. Williams, *Brown v. Board of Education Fifty Years Later: What Makes for Greatness in a Legal Opinion?*, 36 LOY. U. CHI. L.J. 177, 198 (2004) (opining that the Court’s discussion of the intangible harms apparent in de jure segregation is what made the Court’s opinion particularly memorable).

13. *Brown*, 347 U.S. at 495; *see, e.g., Biography of Charles Hamilton Houston*, HARV. L. SCH., <http://www.charleshamiltonhouston.org/Houston/Biography.aspx> (last visited Mar. 20, 2011); *Biography of Charles Hamilton Houston (1895–1950)*, HOW. U. SCH. LAW, <http://www.law.howard.edu/1397> (last visited Mar. 21, 2011); *NAACP History: Charles Hamilton Houston*, NAACP, <http://www.naacp.org/pages/naacp-history-charles-hamilton-houston> (last visited Mar.

believed that diverse law school faculties were more likely to be rich sources of the sorts of creative ideas that would help American law continue its evolution toward a more just and open society. In order for this to happen, it was necessary for more professors of color to be hired onto law faculties and for more professors of color to receive tenure. Scholarship is one of the key considerations in tenure decisions.

Professor Amaker feared, however, that many law professors of color were being stymied in their development as scholars because they felt isolated within their home law schools. Additionally, some professors of color wanted the freedom to devote their scholarship to legal issues that have a significant impact on people of color, but at the time many law school faculties did not value this type of community oriented scholarship. In response to these concerns, Professor Linda Greene of the University of Wisconsin convened a meeting at her law school in July 1989 to launch an emerging school of legal thought known as “Critical Race Theory.”¹⁴ Around this time, Professor Greene also began collaborating with Professor Amaker to form an organization that would be known as the Midwestern People of Color Legal Scholarship Conference (“MWPOC”).¹⁵ A primary goal of the MWPOC was to provide what Professor Greene called a “parallel institution” within the legal academy, in which professors of color, who might sometimes feel alienated on their own faculties, could find colleagues with similar interests and backgrounds.¹⁶ In addition, professors of color would be encouraged to present their scholarly ideas (including, but by no means limited to, issues of race and class) in an environment in which they would receive rigorous but nurturing feedback.¹⁷ In short, the organization would focus on promoting professors of color and their scholarship, in hopes of increasing the overall representation of professors of color on law faculties.

Professors Amaker and Greene chose Loyola University Chicago School of Law to host the MWPOC’s first meeting.¹⁸ Nina Appel, the

20, 2011).

14. Linda S. Greene, *From Tokenism to Emancipatory Politics: The Conferences and Meetings of Law Professors of Color*, 5 MICH. J. RACE & L. 161, 172 (1999).

15. Linda R. Crane, *Reflections from the Chair—The Road Taken: Honoring the Decade of Scholarship by Law Professors of Color in U.S. Law Schools and the People of Color Movement*, 20 B.C. THIRD WORLD L.J. 13, 14 (2000); Linda S. Greene, *From Sea to Shining Sea: The Midwestern Origins of the First National Meeting of the Regional People of Color Legal Scholarship Conferences*, 20 B.C. THIRD WORLD L.J. 29, 39–41 (2000).

16. Greene, *supra* note 15, at 37.

17. *Id.* at 38–40.

18. Crane, *supra* note 15, at 14; Greene, *supra* note 15, at 41; Greene, *supra* note 14, at 171–72.

dean of the law school at the time, generously agreed to provide Professor Amaker the institutional resources he needed for the meeting.¹⁹ Consequently, over a weekend in February 1990, scholars of color from throughout the Midwest (and other parts of the country) met at Loyola to make history.²⁰ Still in my first year of teaching, I was fascinated to see papers presented by seasoned law professors like Gerald Torres of the University of Minnesota, Jerome Culp of Duke University, and the venerable Jim Jones of the University of Wisconsin.²¹ These papers, in turn, were subjected to probing comments by Professor Amaker and other conference attendees. What I witnessed that day convinced me that the give and take between legal scholars, like the interplay between great jazz musicians, can approach high art. What went on in the hallways outside the formal sessions was just as important. Many of us began forming friendships and alliances that would last a lifetime.²² Some who may have felt adrift and alone

As reflected in the text, Loyola University Chicago School of Law hosted the first annual meeting of the Midwestern People of Color Legal Scholarship Conference (“MWPOC”) in 1990. In 2010, Loyola jointly hosted the twentieth-anniversary meeting of the MWPOC with The John Marshall Law School. Loyola also hosted the 1997 Annual Meeting, and Loyola and DePaul University jointly hosted the 2002 Annual Meeting of the MWPOC.

Following is a list of the sites that hosted annual meetings of the MWPOC during the twenty-year period from 1990 to 2010: Loyola University Chicago School of Law (1990); University of Minnesota Law School (1991); The John Marshall Law School (1992); Case Western Reserve University School of Law (1993); University of Missouri School of Law (1994); Washburn University School of Law (1995); St. Louis University School of Law (1996); Loyola University Chicago School of Law (1997); Capital University Law School (1998); The John Marshall Law School (1999, during the First National Meeting of the Regional People of Color Legal Scholarship Conferences); Sedona, Arizona (2000); University of Nebraska College of Law (2001); Loyola University Chicago School of Law and DePaul University College of Law (2002); Cleveland-Marshall College of Law and Cleveland State University (2003); The George Washington University Law School (2004, during the Second National Meeting of the Regional People of Color Legal Scholarship Conferences); University of Notre Dame Law School (2005); Tucson, Arizona (2006); Washington University in St. Louis School of Law and St. Louis University School of Law (2007); Hamline University School of Law (2008); The University of Iowa College of Law (2009); Loyola University Chicago School of Law and The John Marshall Law School (2010). In September 2010, Seton Hall University School of Law hosted the Third National Meeting of the Regional People of Color Legal Scholarship Conferences. See Greene, *supra* note 14, and records on file with the author.

The 2011 Annual Meeting of the MWPOC was a joint meeting with the Southeast/Southwest People of Color Legal Scholarship Conference in Fort Lauderdale, Florida from March 31 to April 3, 2011. The hosts for the 2011 Annual Meeting were Nova Southeastern University Law Center and The John Marshall Law School.

19. Dean Nina Appel was also Professor Amaker’s classmate at Columbia. Appel, *supra* note 3, at 535–36.

20. Crane, *supra* note 15, at 14–15; Green, *supra* note 14, at 172.

21. Crane, *supra* note 15, at 15–16.

22. *Id.*

before the Loyola meeting left feeling connected to a vibrant intellectual community.²³

The people-of-color meeting model established at Loyola in 1990 spread across the country like “wildfire.”²⁴ In 1991, the MWPOC met in Minnesota for the organization’s second annual meeting,²⁵ while law professors in the Southwest met for the first time under the umbrella of an organization known as the Southwestern People of Color Legal Scholarship Conference.²⁶ Within a few years, six regional people-of-color legal scholarship conferences had been formed, covering the entire United States.²⁷ In 1999, the six regional organizations met as the National People of Color Legal Scholarship Conference at another historic gathering in Chicago—this time at The John Marshall Law School.²⁸ Norman Amaker was among those attending the 1999 national meeting.²⁹ By this point, it was apparent to Professor Amaker that his work with the people-of-color conferences had once again placed him at the center of a veritable “movement”³⁰—one narrower in scope and historical significance than the Civil Rights Movement, perhaps, but one whose beneficiaries (professors of color) would, in the spirit of the more famous movement that preceded them, continue the ongoing process of bending the long moral arc of American law towards justice.³¹ Professor Amaker proposed a toast on the last evening of the 1999 conference to celebrate the increasing numbers of law professors of color.³² I will never forget that toast because in it, Professor Amaker revealed a premonition that it might be his last meeting with the group.

23. *Id.*

24. Greene, *supra* note 15, at 41.

25. Crane, *supra* note 15, at 16.

26. Linda S. Crane, *Introduction to the Symposium on the Works in Progress Presented During the First National Meeting of the Six Regional People of Color Legal Scholarship Conferences: March 25–27, 1999*, 36 CAL. W. L. REV. 1, 2 (1999).

27. *Id.* at 3–4; Crane, *supra* note 15, at 13.

28. Greene, *supra* note 15, at 30.

29. *Id.* at 41.

30. Crane, *supra* note 15, at 18.

31. Arthur Howe, *The Arc of the Universe is Long but It Bends Towards Justice*, OPEN SALON (Jan. 19, 2009, 2:12 AM), http://open.salon.com/blog/arthur_howe/2009/01/18/the_arc_of_the_universe_is_long_but_it_bends_towards_justice (reporting then-Senator Barack Obama’s quotation of Dr. Martin Luther King, Jr., in his speech on the fortieth anniversary of Dr. King’s assassination). President Obama’s quotation of Dr. King was as follows:

Dr. King once said that the arc of the moral universe is long but it bends towards justice. It bends towards justice, but here is the thing: it does not bend on its own. It bends because each of us in our own ways put our hand on that arc and we bend it in the direction of justice

Id.

32. For further details on this historic evening, see Greene, *supra* note 15, at 41.

Unfortunately, he was right. Professor Amaker was too ill to make the tenth anniversary meeting of the MWPOC in the spring of 2000, and he passed away later that summer.

I am sure that Norman Amaker would be proud that the institutional framework he helped create continues today. The regional people-of-color legal scholarship conferences have met regularly throughout the first decade of the twenty-first century. In the fall of 2004 at George Washington University, and again in the fall of 2010 at Seton Hall University, there were meetings of the National People of Color Legal Scholarship Conference. More than 600 professors of color participated in the 2010 Seton Hall national meeting—solid proof that the legal academy had made great strides with regard to faculty diversity since the first people-of-color meeting at Loyola some two decades earlier.

The MWPOC commemorated the twentieth anniversary of the 1990 Loyola meeting by returning to Chicago for its 2010 meeting. Fittingly, under the auspices of Dean David Yellen, Loyola was the host venue for the MWPOC meetings on Thursday, April 15, and Friday, April 16.³³ The Friday session culminated with a stirring keynote address by Professor Derrick Bell of New York University School of Law.³⁴ There could not have been anyone more perfect for this occasion.³⁵ Professor Bell and Norman Amaker were kindred spirits who shared common roots in the Civil Rights Movement.³⁶ In fact, they were neighbors at the time they both worked for the NAACP Legal Defense Fund in the

33. On Saturday, April 17, 2010, the meeting shifted to The John Marshall Law School, the site of the first national people-of-color meeting in 1999. The theme of the twentieth-anniversary meeting of the MWPOC was “Paradigms Lost: Outsider Scholarship, Insider Scholarship and the Economic Crisis.”

34. Professor Richard Delgado, a University Professor at Seattle University School of Law, delivered the keynote address at the session held at The John Marshall Law School on Saturday, April 17, 2010.

35. Professor Linda Greene traces the origination of the idea of holding special meetings for professors of color to remarks made by Professor Bell in 1969. Greene, *supra* note 15, at 34–35.

36. On occasion, the MWPOC honors worthy recipients with an award named in honor of Professor Amaker. Professor Bell received the first Norman Amaker Guiding Spirit Award at the 2003 Annual Meeting of the MWPOC. Professor Linda Greene (University of Wisconsin) and Professor Linda Crane (The John Marshall Law School) received Amaker Awards at the 2010 Annual Meeting.

The Loyola University Chicago Law School chapter of the Black Law Students Association also gives an award in honor of Professor Amaker. The Midwestern Public Interest Law Retreat of the Society of American Law Teachers is also named after Professor Amaker. See *Norman Amaker Public Interest Retreat*, SOC’Y AM. L. TCHRS., http://www.saltlaw.org/contents/view/122310_retreats (last visited Mar. 20, 2011). From February 18–20, the 2011 Norman Amaker Public Interest Law Retreat was held at Loyola University Chicago’s Resurrection Retreat Center. *Id.* From 2003 to 2008, the Amaker Retreat was held at the University of Indiana–Indianapolis’ Branford Woods Center. *Id.*

1960s. In 1971, Professor Bell, who entered the legal academy before Professor Amaker, became the first tenured African American professor at Harvard Law School.³⁷ Professor Bell's commitment to expanding the ranks of professors of color in American law schools has been passionate and unwavering. Beginning in 1980, Professor Bell spent five years as Dean at the Oregon Law School.³⁸ Professor Bell resigned the deanship when the Oregon law faculty directed him not to extend an offer to a faculty candidate who was an Asian American woman.³⁹ Upon returning to Harvard, Professor Bell once again found himself in an imbroglio that required him to make a personal sacrifice to underscore the importance of law faculty diversity: in 1992, he relinquished his tenured position at Harvard to protest the law school's poor record in hiring women of color onto its faculty.⁴⁰

The author of nine major books and countless articles,⁴¹ Professor Bell is one of the preeminent public intellectuals in America today. By his own admission, Professor Bell relishes provoking critics and challenging listeners or readers "with his uncompromising candor and progressive views."⁴² And in his Loyola keynote address, Professor Bell did just that. His topic was "Law as a Religion." In his speech, Professor Bell criticized some in modern American politics for behaving like stereotypical religious fundamentalists by unthinkingly accepting interpretations of the U.S. Constitution (viewed by many as a sort of secular Bible) that are "inconclusive, unconvincing, and, quite often, downright dangerous."⁴³ This is not to say, however, that there is no place for religious beliefs or trust in law in our society; indeed, as Professor Bell pointed out, the survival of the American nation can be attributed in large part to citizens who were willing to accept "real risks to bring about reform" precisely because they were "moved by their religious beliefs, trust in law, or both."⁴⁴

Professor Bell is incorporating his ideas about the relationship between law and religion into a forthcoming book he is writing. With his typical humility and generosity, he has insisted that this special

37. *Biography of Derrick A. Bell*, N.Y.U. L., <http://its.law.nyu.edu/facultyprofiles/profile.cfm?section=bio&personID=19776> (last visited Mar. 20, 2011).

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. Professor Derrick Bell, Keynote Address at the 20th Annual Midwest People of Color Legal Scholarship Conference at New York University Law School: Law as a Religion 8 (Apr. 15, 2010) (transcript on file with author).

44. *Id.* at 12.

volume of the Loyola University Chicago Law Journal spotlight other papers presented at the twentieth anniversary meeting of the MWPOC. The articles in this volume are representative of the broad range of exciting legal scholarship being produced by scholars of color in the United States. But without the trailblazing work of early professors of color like Norman Amaker and Derrick Bell, a volume like this one would not have been possible. Therefore, it is with great gratitude that the Loyola University Chicago Law Journal dedicates this volume to Norman Amaker and Derrick Bell. And for this, the MWPOC thanks the Law Journal.