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Dean Williamson Addresses Charges of Racism at M-W

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VIEWPOINT

There is in human nature generally more of the fool than of the wise; and therefore those faculties by which the foolish part of men's minds is taken are most potent.

—Francis Bacon

Dean Williamson Addresses Charges of Racism at M-W

Recent events have demonstrated that there is a segment within the student body that is dissatisfied with the progress made by the Law School in attracting minority students and faculty. These students have sought through various means, both within and without the Law School, to express their views and proffer suggestions as to how the Law School might improve the situation. I believe that it would be accurate to describe certain of the tactics used by these students as reminiscent of the "confrontation politics" cultivated and refined during the 1960's (See Wolfe, "Radical Chic and Mau-Mauing the Flak Catcher" 1970). Naturally, those of us against whom these tactics were employed displayed the normal amount of outrage and resentment, and, at least among ourselves, soundly condemned everyone involved. As an aside, the situation was somewhat amusing for those of us who were the targets of these tactics employed by the students of the 1980's, since most of us, having experienced firsthand the confrontation politics of 1960's, consider ourselves "experts" in these matters.

Now that the media has exhausted its normal forty-eight hour attention span and the rage of the moment has passed, the Law School community should not simply return to business-as-usual and go about the daily routine as if nothing had happened. Important questions have been raised; allegations of racism have been made; and **The Problem** still exists. I might add, in fairness, that the allegations of racism were usually couched in terms of "institutional racism." I assume that this phraseology was adopted to avoid the charge of individual racism by **The Administration**. I have some personal difficulty understanding this distinction, but, nevertheless, appreciate the sentiment.

Any discussion of **The**

Problem must begin with a recognition that the Law School has made every effort within the limits of its financial resources (despite what some believe, there are limits) to comply with the various "affirmative action" policies applicable to its activities. The Law School is quite confident that any fair inquiry into its activities would confirm this fact. To say that the Law School is in compliance with these policies, however, simply obscures the nature of **The Problem** and what the Law School's response to it should be. In fact, my personal belief is that one of the major impediments to a resolution of **The Problem** is the very existence of these policies. They are bogus and may cause more harm than good for several reasons.

First, it is virtually impossible to determine what is required. As an example, the American Bar Association recently (August 1980) promulgated a standard for accreditation which reads as follows:

"Consistent with sound educational policy and the Standards, the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to provide full opportunities for the study of law and entry into the profession by qualified members of groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. The commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance different from those applied to other students" (emphasis added).

The ambiguity of this statement is self-evident. I might add that the Law School

Admissions Council has appointed a task force to come forward with specific suggestions as to how a Law School can meet its obligations under this standard. I should also add that some students have sought to enhance the credibility of their position by selectively quoting this statement to us and to the media. As far as student communications with **The Administration** are concerned, credibility in the future would be enhanced by assuming that we can read.

Second, assuming that an institution could interpret the mandate, it would allow the institution, having done everything required of it, to hide behind "compliance" and ignore the continued existence of **The Problem**. This is possible because those who write these statements apparently believe that if an institution does what is required, **The Problem**, will disappear. This Law School is living evidence that this is not the case.

Thus, **The Problem** remains; affirmative action policies have not worked, and allegations of racism linger. What can and should be done?

First, the Law School will continue its efforts to increase the representation of minority groups within the student body and faculty, and will not hide behind the shield of compliance with affirmative action policies. More money must be raised and spent to aid the effort, but we must not be so naive as to assume that the problem is one that will disappear with the infusion of money. Second, the Law School will maintain its integrity and existing educational and professional standards. Allegations which impugn the integrity of the Law School, its staff or students, will not go unchallenged; misrepresentation of fact (of which there were many appearing in the media) will be corrected; and sound educational and professional standards will not be compromised for short-term objectives. Third, those who

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seek to aid the Law School in its efforts to solve **The Problem** should not go out of their way to give members of minority groups who might otherwise be inclined to come to the Law School a reason to go elsewhere. The surest way to see to it that **The Problem** remains is to publicly call the Law School a racist institution. Fourth, those who have concrete suggestions as to how the Law School can do a better job have a responsibility to come forth with specifics; however, it must be understood that others, including **The Administration** and **The Faculty**, might reasonably and honestly question the efficacy or practicability of certain suggestions. Delay in the implementation of proposals or outright rejection of others does not necessarily imply racism. **The Problem** has existed for many years; some of the best minds worldwide have sought solutions; and **The Problem** is not going to disappear tomorrow. Finally, and perhaps most importantly, we must maintain order, our respect for one another, our sense of humor, and above all, civility, as we attempt to move forward.

My comments have repeatedly referred to **The Problem** and I shall conclude by defining what I mean by **The Problem**. It is really quite simple. The legacy of slavery, poverty, racism (institutional or otherwise) and fear have produced a situation where various segments of our society have been denied the skills, the determination, and the financial ability to reach for the educational goals that the rest of society views as a matter of inalienable right. These artificial barriers have produced a situation where this segment of society finds itself underrepresented in the Law School community (and in many other areas). An educational institution, above all else, must prepare its students to live and prosper in this society. We cannot deal with reality by learning of it solely from a textbook, and the reality is that there is a large segment of our society that does not share the common experiences and values of middle and upper-middle class America. The Law School community, students and faculty, are the victims of this legacy, and not necessarily the cause. That is **The Problem**.