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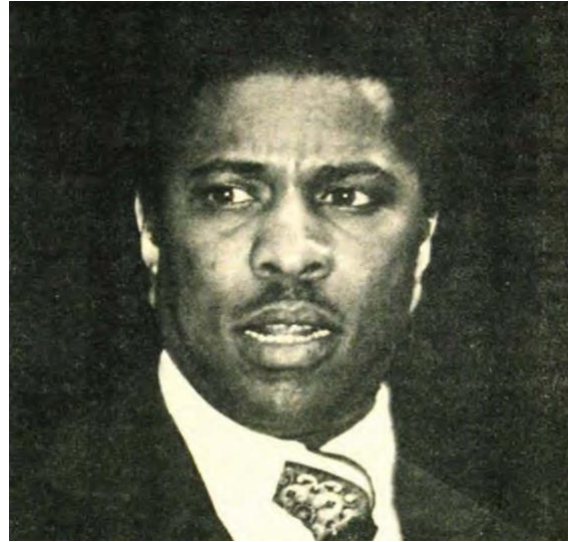
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## The First Black Professor to (Almost) Join the William & Mary Law Faculty

Vivian E. Hamilton

Sa'ad El-Amin (formerly JeRoyd X. Greene) was the first Black person approved by the William & Mary Law faculty to serve as a professor. But despite the faculty's approval—formalized in a written offer to El-Amin from the Law School's dean—El-Amin would never join the faculty. Instead, William & Mary's president expressed immediate concern about the appointment. Then a Virginia state senator, in a letter sent to school administrators and shared publicly, objected to El-Amin's appointment. The following month, the Board of Visitors voted to deny El-Amin the position.



Why did William & Mary's President second-guess the decision of the Law faculty and its dean? Why would publicly elected officials in Richmond intervene in a proposed academic appointment? And why did the University's governing body ultimately overrule the academic judgment of the Law faculty and dean?

### Enviably credentials, a stellar reputation, and a history of Black activism

In 1974, the Law School looked different from the way it does today. Both the student body and faculty were smaller, overwhelmingly male, and overwhelmingly White. Of the School's 457 students, only 62 (13.5%) were women; 9 (2%) were Black. The faculty, all White, comprised only 19 full-time professors, the dean and two associate deans, two part-time lecturers, and a law librarian.

The Law School faculty had committed to a plan of affirmative action to diversify its ranks. El-Amin, regarded by many colleagues as the best trial attorney in the City of Richmond, was identified as a leading candidate. That spring, the faculty's Appointment Committee recommended the appointment of El-Amin as a visiting associate professor, to fill what was a temporary vacancy. (There was a second opening at the Law School that year, for a permanent position. Lynda Butler, who would be the School's first tenure-line female professor, received that appointment.) After the faculty approved the recommendation, then-Dean James P. Whyte, Jr., extended the offer in writing to El-Amin.

El-Amin accepted.

As a young Black man, El-Amin did not look like the other members of the Law School faculty. His academic credentials and experience, however, placed him squarely among their ranks. He had earned a bachelor's degree with honors from the University of Southern California, a master's degree in economics from Yale University, and a J.D. from Yale Law School. He had teaching experience as an adjunct professor at Howard University School of Law and Virginia Commonwealth University. Finally, he was regarded as a superb litigator, with a successful private practice that encompassed both

civil and criminal trial-level work, as well as appellate work. In 1974, the National Conference of Black Lawyers honored him as Outstanding Black Lawyer of the year.

El-Amin's career had not been without controversy. He was a Black activist who spoke out against racism and against injustice in the legal system. Between stints in private practice in Richmond, he served as general counsel to the Nation of Islam. He also called out what he saw as unethical behavior in the legal system, including among the judiciary. He filed, for example, a petition seeking the removal of Judge Harold Maurice, of the Richmond General District Court, for misconduct; in 1977, Maurice was in fact removed from office by the Supreme Court of Virginia. (It is unclear whether the behavior alleged by El-Amin's petition was the basis for Judge Maurice's removal.) El-Amin's courtroom encounters with judges resulted in his being cited with contempt of court on six occasions.

### **W&M president balks, state legislator intervenes**

William & Mary President Thomas A. Graves, Jr., immediately took exception to El-Amin's proposed appointment. Noting El-Amin's contempt-of-court citations, Graves expressed concern that El-Amin was not an appropriate choice to join the faculty. Under pressure from the administration, Law School Dean Whyte invited El-Amin to withdraw from consideration. El-Amin refused.

Just over a week later, El-Amin's potential appointment became public. The same day, one of the most influential state legislators in Virginia history penned a letter to Dean Whyte.

Senator Edward E. Willey was a pharmacist-turned-legislator known for being direct. And he expressed his displeasure to the Law School Dean in no uncertain terms. The proposed appointment of El-Amin to the Law faculty, Sen. Willey stated, "shocks and nauseates me." If a "rabble-rouser" like El-Amin were to join William & Mary's faculty, Willey warned, he would reconsider his support of future appropriations to finance the Law School.

Whether Sen. Willey would have carried out his threat to withdraw funds from the School had El-Amin received the appointment is uncertain. That he wielded sufficient power in the legislature to make his threat a credible one, however, was indisputable.

Sen. Willey had been a member of the General Assembly since 1952. By 1974, he was not only Senate president pro tempore, he was also Chair of the Senate Finance Committee. His chairmanship allowed him to exert significant influence in the General Assembly over appropriations—including those to institutions of higher education. A *Washington Post* obituary published after his death in 1986 noted that Willey "often single-handedly decided how the state's money was to be spent."

It is possible that Sen. Willey simply viewed El-Amin as lacking the dignity and decorum required for an academic appointment, even a temporary one. But the *Washington Post* obituary characterized Willey as being "biased" and known for racist, sexist, and anti-Semitic remarks. It noted, for example, that Willey publicly referred to Black people using the n-word, and once described Richmond's first Black mayor as "pretty smart for a black man."

Whatever Sen. Willey's motivations for seeking to block El-Amin's appointment, his letter was released to a local Richmond news station even before Dean Whyte or President Graves received copies. Once the letter became public, Sen. Willey received widespread criticism—from members of the William & Mary community and beyond—for abusing his legislative position.

Despite criticism of his tactics, Sen. Willey would see the outcome he'd desired: When the Board of Visitors met that May, its members voted unanimously to reject the appointment of El-Amin to the Law School's faculty.

### **The faculty response**

Soon after the Board's decision, the Law Faculty passed a resolution criticizing the use of political pressure to influence the Law School's administration and the Board. In it, the faculty affirmed "its intention to develop a faculty composed of the best qualified individuals without improper intervention from any sources outside the college."

The Faculty of the Arts and Sciences weighed in to criticize the administration as well. It issued a letter accusing President Graves of bowing to political pressure. The letter urged him to take action to redress the University's missteps and to lead with "the clarity of purpose and the acts of unusual courage needed to counteract the harm that has been done."

In a final rebuke of the administration's decision, a group of 45 faculty and administrators invited El-Amin to deliver a series of lectures at the College on law, justice, and racism, the first on November 18, 1974. To cover El-Amin's expenses (he was working primarily in Chicago by that time), each member of the group contributed one day's worth of their pay. In a statement, the group expressed its hope that its "voluntary commitment of funds will enable us and our students to have the kind of creative dialogue with [El-Amin] that would have been possible had he been appointed to a position on the faculty." El-Amin ultimately delivered seven lectures—six in what was then Millington Auditorium, and the last lecture delivered at Phi Beta Kappa Hall.

### **"Academic freedom does not exist here."**

An investigation by the American Association of University Professors ("AAUP"), instigated at the behest of El-Amin and members of the faculty at the College, found that the Board of Visitors, despite being informed of academic due process requirements, "dehired" El-Amin without affording him any process. Nevertheless, the AAUP concluded that defects in the Law School's hiring and selection process could have justified the Board of Visitors' refusal to approve the appointment. (The nature of the procedural defects identified by the investigators is unclear.)

El-Amin noted that the AAUP report took no issue with his ability and found no "moral turpitude." El-Amin characterized the report as "weak" and reflected the investigators' desire to avoid reaching what would have been a controversial decision that would have led to AAUP censure of William & Mary.

El-Amin was vocal in his criticism of William & Mary. While he owned that he was a "controversial" figure, he charged that "[a] dangerous example has been set . . . Academic freedom does not exist here because I do not teach here." The series of events constituted oppression, he claimed—not only of himself, "a black militant," but also of "the system of academic freedom" more broadly. He concluded, "I was dehired because of what I am and what I believe in."

### **Postscript**

It would be a full decade before another Black person would be invited to teach full time at the Law School—David Coar, on leave from DePaul University, taught as a Visiting Professor at the Law

School during the fall semester of 1985. Two additional years would elapse before the School would hire its first Black tenure-track professor, Alemante Selassie. Professor Selassie taught at the school until his retirement in 2011.

El-Amin's law practice foundered in the decades after the William & Mary controversy. He surrendered his law license in 2002 in the face of dozens of accusations of neglecting clients' matters. He pled guilty the same year to fraudulently representing a client and served a 34-month federal prison sentence.

Today, El-Amin is the President of Employee Rights Advocates in the Greater Richmond area, and he continues to be an outspoken activist on issues of racial justice.

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