

SPEECHES

OPENING REMARKS AT THE NATIONAL BLACK LAW JOURNAL SYMPOSIUM: EDUCATION FOR BLACK POWER IN THE EIGHTIES

The Honorable Henry Ramsey*

Thirty years ago we found ourselves, although we did not know it at the time, on the eve of what turned out to be a substantial revolution in this country. It began, in one sense, with the decision, *Brown v. Board of Education*.¹ Most, if not all, of us in this room know that there were a series of cases preceding *Brown* which pointed the direction that things ultimately would have to take if the Constitution were to be conformed to. But I think that the landmark decision, we would all agree, was *Brown v. Board of Education*, which declared that race could no longer be a legal and formal barrier to access to quality education. However, some of us fear that it is no more than a "Rip Van Winkle" deep sleep of Jim Crow.

I was born in South Carolina, and grew up under very strict and formal enforcement of the Jim Crow laws, and I know personally what a great barrier those practices and rules constituted for the development of Black people in the United States. Today, throughout the country it can be safely said that, as a matter of formal law, those barriers have been removed in all aspects of American life. However, I would have to require an on-site inspection of many of the rural counties in the old Confederate states to convince me that the racial barriers have disappeared. As far as the books are concerned those barriers have been removed, and that has not worked well for us.

Those of us who were active in the fifties and sixties around these issues know that the targets were very clear. We did not have to look very far to decide in which direction to shoot or where the fight would have to occur. In contrast, the barriers that exist today in education are far less obvious. The barriers tend to be cultural; they tend to be economic; they tend to be political. They are no where near as obvious and no where near as easy to discern. Consequently, the targets are not readily identifiable. The direction and thrust of our fight is no where near as clear.

The students of the [*National*] *Black Law Journal* have undertaken the task of bringing us together today to talk about this new battle ground and these new frontiers. The problems that we experienced under Jim Crow, to a great extent, still remain. We find that many of our young people are not being educated. We find that educational resources are oftentimes not being spent in the minority community. At the elementary level, schools in minority communities are neglected. At the higher education level, particularly with

* California Superior Court Judge—Alameda County

1. 347 U.S. 483 (1954).

regard to the more prestigious and better private schools, their programs are unattainable because of their costs. Moreover, there seems to be a great loss of will, a great loss of purpose among our young people. They seem to be giving up; they seem to be turning to drugs; they seem to lack the will and the drive to achieve.

Perhaps the responsibility for that lies with us. It lies within our families, within our community, and within our churches. We hope that our speakers today will be able to stimulate us and provoke us to better define the issues, and the strategies to confront those issues. We also hope that all of us together can be inspired to have the will to expend the energy and to do those things that are necessary to insure to ourselves, to our children and to our children's children that they will have a worthwhile and beneficial future.

With that I think we should move on directly into the program and it gives me a great deal of pleasure to introduce a person that I have known for several years, many years, more than he and I probably would care to remember. He is one of the major figures in American legal education today. He has for a long time been in the forefront of progressive development in legal education without regard to race. I'm not speaking of minority legal education, I'm speaking of legal education period. Before joining the faculty at Harvard he was known throughout the country as a vigorous and brilliant advocate in the area of civil rights. He is today the Dean at the School of Law at the University of Oregon. He is well published, and his works include *Race, Racism and the American Law*,² and *Shades of Brown, New Perspectives on School Desegregation*.³

The people on the street, if they were here today would say he was a real disturber. Wherever he goes controversy follows. Wherever he goes the complacent get worried and stirred up. He is not a person to show deference to age, friendship, wealth, or sex. Nothing keeps him from insisting that what ever position you take, you should be prepared to defend it. He will require that your position be able to stand the test of close scrutiny. And I will pat myself on the back and say that I contributed to his being here this morning, and I'm glad he is here. I give you Dean Derrick Bell.⁴

2. D. BELL, *RACE, RACISM, AND AMERICAN LAW* (1973).

3. D. BELL, *SHADES OF BROWN: NEW PERSPECTIVES ON SCHOOL DESEGREGATION* (1980).

4. Dean Bell's remarks were committed to be published in another publication.