

A PARABLE OF LAW SCHOOL LEADERSHIP

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VANDERBILT Law School, where I steward and teach, is a great school with a long history and, at times, a short institutional memory. The true story I offer in this short essay illustrates the benefits of having—and remembering—one's history, and documents as well a long-forgotten aspect of law school leadership by an unknown staff member.

After many years of exhausting effort, Vanderbilt Law School in early 2002 completed a major building project. The law school designed, funded, constructed, and dedicated a beautifully renovated and expanded building. The classrooms and public spaces are particularly stunning, with excellent lighting, technology, and seating. They are spaces that anyone in the University would die to teach in, and that almost everyone in the community would like to use for events and meetings. I fully intended to use this asset, like all other assets of the school, to reach out to the rest of the University and the community, to strengthen ties to the school, and, where possible, to generate some much-needed additional revenue.

A few weeks before the new spaces opened, I received a memorandum from a long-time employee of the central administration. It congratulated the school on the new building, notified me that the Provost's Office would henceforth schedule the space for any outside events pursuant to a set of square-footage charges attached, and instructed me to have any outside group that wished to use the space contact the central administration for assistance. I wrote back immediately saying "thanks, but no thanks": the law school, I asserted, is going to itself schedule and charge for use of space in the law building. Within days I received a second memorandum from the veteran administrator. This time the official was more pointed. He noted that, pursuant to a university policy adopted decades in the past, the Provost's Office at Vanderbilt schedules all use of University spaces for outside speakers and conferences. He emphasized that this policy has worked well, has been administered by a university-wide committee, and has assured that when one school is short of space, it can use (and pay for) another school's surplus space.

I was very angry, as only a dean tired out by all the challenges of getting a building done can be. I envisioned a looming "tragedy of the commons," in which the Provost's Office would schedule every high school debate institute and staff party in middle Tennessee in the Law School, until such time as the spaces were as run down as some classrooms I had seen elsewhere on campus. Moreover, I had never heard of this centralized scheduling policy before—either at Vanderbilt or at any other University where I had worked. Why did this policy exist?

I started, as politely as possible, to negotiate an exception with the Provost's Office. At the same time, I asked a talented reference librarian, David Bachman, to go through the University archives to try to figure out where this strange policy had come from.

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A few weeks later, we found the answer. The policy was adopted in December, 1962. That was when Nashville, Tennessee was at the epicenter of the Civil Rights Movement, with lunch-counter sit-ins and tense confrontations.¹ Except in the Divinity School and the Law School, Vanderbilt was a segregated university, with no black students. In December, 1962, an administrator at the law school, whose name I do not know, permitted local ministers to conduct a conference in the Law School's just-completed auditorium. The conference was entitled "The Ethics of Integration." The ministers' speeches at the conference caught the attention of the press and of a segregationist member of the Vanderbilt University Board of Trust. The Chancellor of the University was criticized and pressured by this board member for permitting the conference to occur at Vanderbilt. The Chancellor announced that it is inappropriate to criticize a university for the words spoken by outside speakers in its halls, just as it is inappropriate to criticize a hotel for what is said in its meeting rooms. Nevertheless, reported the Chancellor, the University would in the future ensure that all outside speakers and conferences in University spaces would be scheduled through the Provost's Office.²

Well, really. Armed with this unhappy history behind the room-scheduling policy, I wrote a blistering memorandum to my Provost, revealing the sordid truth and demanding the policy's repeal. I had learned a little from years of deaning, however. I never sent the memorandum. It was therapeutic to write, but would have been ineffective to send. On reflection, I kept the history out of the negotiations, and instead got an exception to the policy from a reasonable Provost on the promise that, while the Law School would manage its building spaces, it would do so in a way to be as accommodating as possible to university and community events.

I was still curious, however, about just what those ministers had said in 1962 that so provoked that board member. We looked deeper, and finally found some of the speeches that were given. One, in particular, was in large part about law, and it resonates today. It was given more than 40 years ago in a law school that then had almost no black students:

Law can help.

Let us never succumb to the temptation of believing that legislation and judicial decrees play only minor roles in solving [the problem of integration]. Morality cannot be legislated, but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless. The law cannot make an employer love an employee, but it can prevent him from refusing to hire me because of the color of my skin. The habits, if not the hearts of people, have been and are being altered everyday by legislative acts, judicial decisions and executive orders. Let us not be misled by those who argue that segregation cannot be ended by the force of law.

But acknowledging this, we must admit that the ultimate solution to the race problem lies in the willingness of men to obey the unenforceable. Court orders and federal enforcement agencies are of inestimable value in achieving desegregation, but

1. See DAVID HALBERSTAM, *THE CHILDREN* 122-25; 188-207; 208-09 (1998) (an account of the civil rights movement in Nashville).

2. PAUL K. CONKIN, *GONE WITH THE IVY; A BIOGRAPHY OF VANDERBILT UNIVERSITY* (1985).

desegregation is only a partial, though necessary step toward the final goal which we seek to realize, genuine intergroup and interpersonal living. Desegregation will break down the legal barriers and bring men together physically, but something must touch the hearts and souls of men so that they will come together spiritually because it is natural and right. A vigorous enforcement of civil rights laws will bring an end to segregated public facilities which are barriers to a truly desegregated society, but it cannot bring an end to fears, prejudice, pride, and irrationality, which are the barriers to a truly integrated society. Those dark and demonic responses will be removed only as men are possessed by the invisible, inner law which etches on their hearts the conviction that all men are brothers and that love is mankind's most potent weapon for personal and social transformation. True integration will be achieved by true neighbors who are willingly obedient to unenforceable obligations.

Those words were spoken in the Vanderbilt Law School on December 27, 1962, by the Reverend Martin Luther King, Jr.³ That this speech, one of his greatest, was given at Vanderbilt and at the Law School had been almost completely forgotten. It was memorialized nowhere at the Law School or the University, despite extensive annual Martin Luther King Day celebrations and programs. The controversy it caused within the University at the time, and the sensitivity to the subject that followed, had largely buried it. In the authoritative collection of King's writings, *A Testament of Hope*, the speech is attributed only to a church conference in Nashville.

Martin Luther King, Jr.'s great speech, "The Ethical Demands for Integration," is now memorialized at the Vanderbilt Law School by a plaque and in annual events. It is worth reflecting, though, on the leadership that made it happen at Vanderbilt. An administrator or staff member had the courage to permit a brand new law school auditorium to be opened up, over the Christmas holidays, for a conference he or she had to know would be controversial, and also had to know would cause recriminations. As a result, a message was heard at the Law School, and through the press it was heard in the world, and the school can take some pride, but little credit or glory, in being a part of history.

Where did the staff member's courage come from? I can only speculate. Vanderbilt Law School at the time was led by a legendary dean, John Wade, a Mississippian and former Marine who had tirelessly, through scholarship, leadership, and patience, elevated the reputation of the school within the University

3. See *The Ethical Demands for Integration*, in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* 117, 124 (James M. Washington ed., 1986). For press accounts placing this speech at Vanderbilt Law School, see *King Says Race Hate Could Kill Democracy*, NASHVILLE TENNESSEAN, Dec. 29, 1962, at 3; *Martin Luther King Says Student Senate's Condemnation of Negro Sit-Ins 'Absolutely Wrong'*, VANDERBILT HUSTLER, Jan. 4, 1963, at 1. *A TESTAMENT OF HOPE* dates the speech as occurring on December 28, 1962; THE NASHVILLE TENNESSEAN, in a contemporary account, dates the speech as occurring on December 27, 1962. See *Desegregation Subject of Consultation*, NASHVILLE TENNESSEAN, Dec. 27, 1962, at 23 (stating that "The Rev. Martin Luther King, president of the Southern Christian Leadership conference, will deliver the opening address at 7:30 p.m. today. His topic will be an analysis of the ethical demands of integration in the South."). The story indicates that the address would occur at Underwood Auditorium, which had just been opened at the Law School.

and among peers nationally. It was Wade who presided over the integration of the law student body, and he did so quietly at a time when almost all of the rest of the University, like almost all law schools in the south, remained segregated. A prolific author who collaborated frequently with William Prosser, Wade was one of the best-known academics at the University.

I believe the leadership of Dean Wade probably gave that unknown staff member the courage to take a risk in 1962, a risk that brought great returns. Not all leadership is direct management. Sometimes it is simply creating confidence in the values and good sense of the institution, confidence that enables people to take an occasional risk that is consistent with those values.