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## THE MISSION OF BLACK LAW SCHOOLS TOWARD THE YEAR 2000

ROY CARLETON HOWELL\*

### INTRODUCTION

On January 26, 1947 there was a civil rights conference held by Howard University Law School attended by lawyers from various parts of the country. The topic of this particular conference was the evil of racially restrictive covenants. The purpose of this conference was to exchange ideas, and plan effective strategies to defeat the evil of racially restrictive covenants.<sup>1</sup>

In 1947, racially restrictive covenants were enforceable in state courts and essentially prohibited the sale of land to certain purchasers based on race. Typically these land contracts would have clauses specifically prohibiting the transfer of title to Blacks, Jews or other minorities. Back in 1947 racially restrictive covenants were routinely enforced in state courts.

At the time of this particular conference, the mission of Howard Law School was well defined and obvious. Its mission was to educate and inspire Black law students into becoming civil rights lawyers for the purpose of effectuating social change for the benefit of Blacks in America. The objective of Howard Law School then, was to set aside racial segregation in the law by destroying such practices as racially restrictive covenants.

Overt de-jure racial discrimination has been defeated, although today the battle against covert de-facto racial discrimination continues. Insofar

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1. Manuscript Division, Library of Congress, NAACP Files, 27th January 1947 MEMORANDUM from Marian Wynn Perry on Conference on Restrictive Covenants held at Howard University 26th January 1947, 11:30 a.m. to 2:00 p.m. (At the time of publication of this article these NAACP Files had not been cataloged or microfilmed by the Library of Congress).

The view expressed in this article are those of the author, and do not necessarily reflect those of the *North Carolina Central Law Journal*, its editors and staff, or the North Carolina Central University School of Law.

as the objective of that January 26, 1947 conference at Howard Law School was to end state judicial enforcement of racially restrictive covenants, that goal has been accomplished. The landmark United States Supreme Court decision of *Shelley v. Kraemer*,<sup>2</sup> is the direct result of the January 26, 1947 conference at Howard Law School.

The January 26, 1947 civil rights conference at Howard Law School was just one of many such legal strategy meetings. The social harvest from such landmark cases as *Brown v. The Board of Education*,<sup>3</sup> was realized as a direct result of intellectual seeds planted years prior by talented minds meeting at Howard Law School. "Jim Crow", de-jure racial segregation had been destroyed. Some of those Black lawyers who met on January 26, 1947 at the restrictive covenants conference at Howard Law School were William Hastie, Thurgood Marshall, Spottwood Robinson and James Nabrit, just to name a few.<sup>4</sup> These men have gone on to become sterling examples of success for aspiring Black lawyers to look up to. These men provided Howard Law School with a mission, and a relevant contemporary purpose which fit the times. Indeed, these men are successes because they saw a problem, they defined it, then they conquered it.

Mission accomplished, job well done Howard Law School — now what?

Back in its glory days, Howard Law, both turning out and bringing in brilliant civil rights lawyers, was called the "black Harvard." But the ivy is wilted now. For years the school has been cited by accreditation committees of the Association of American Law Schools and the American Bar Association for its weak library, lackluster teaching, lax admissions standards and the dismal bar exam performance of its graduates.<sup>5</sup>

Howard's glory days of effectuating omnipotent social change in America are gone. Today, Blacks can and do attend predominantly white educational institutions in every state in the Union. Thus where Southern Blacks once attended Howard Law School because of segregation, as a direct result of Howard's successful fight against segregation these same students now attend their home state institutions. Hence, many capable Black students and able law professors are now a part of predominantly White law schools, which heretofore did not admit Blacks. Some critics suggest that Howard Law School is a victim of its own success.

It may be, as some contend, that the school is a victim of its own success in helping bring about desegregation and affirmative action, which later

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2. 334 U.S. 1 (1948).

3. 347 U.S. 483 (1954).

4. NAACP Files, *supra* note 1.

5. The National Law Journal, July 25, 1988, at 1, col. 1.

may have robbed it of some of its able students and professors.<sup>6</sup>

Today, exactly what is the contemporary *raison d'être* of Howard Law School? Arguably the conceived institutional purpose of Howard Law School was to educate Black students in becoming lawyers. Every perpetual institution is conceived with a general purpose, or its articles of incorporation. But the founders of a perpetual institution always define the overall mission vaguely. For example, the framers of the United States Constitution consummated a Constitution which was purposely ambiguous. Thus, constitutional interpretation is both necessary and proper. It requires analysis and contemporary construction. The interpretation of the Constitution changes with the times. Hence, in *Plessy v. Ferguson*,<sup>7</sup> we find currency in the concept of "separate but equal". Yet later in *Brown v. Board of Education*,<sup>8</sup> the same Constitution finds the doctrine of "separate but equal" unconstitutional and void.

The lesson is that perpetual institutions must, if they're to survive, constantly redefine and articulate their contemporary *raison d'être*. Contemporary institutional missions must be in harmony with the times. If the mission of the Black law school is merely to educate students who happen to be Black in becoming lawyers, then it should close its doors because today's White institutions can accomplish that objective far better.

At the heart of some of Howard's troubles, supporters admit, is a vexing question: What is the mission and purpose of a Black law school when for nearly two decades the doors at all other law schools have opened ever wider to a greater number of Blacks?

Perhaps no small part of Howard Law's problem is its location. The effect of affirmative action—skimming the cream—has been especially acute in Washington, which probably has the largest concentration of upper middle class blacks in the country. And many of them are more interested in what is, in effect, the biggest 'Black law school' in the country—the Georgetown University National Law Center. Georgetown counts 572 Blacks among its roughly 2,600 students, while 261 Blacks are among the 297 U.S. citizen students at Howard. (The school has 37 foreign students not categorized by race). Overall, Georgetown's students averaged 42 out of a possible 48 on their Law School Admission Test scores—one of the highest in the country—compared to Howard's lower mid-to-high 20s average. And many Howard law students were turned down by Georgetown—with which Howard has its greatest overlap in applications.<sup>9</sup>

In 1947 when the restrictive covenants conference took place at Howard Law School, many White institutions excluded Blacks based on race.

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6. *Id.*

7. 163 U.S. 537 (1896).

8. *Brown*, *supra* note 3.

9. The NATIONAL LAW JOURNAL, *supra* note 5, at 23.

Hence, in 1947 the mission of Howard Law School could justifiably be to educate Blacks to become lawyers. However almost half a century later, the mission in 1947 is no longer relevant to today's world. The world today is drastically different from 1947. Yet, the mission of Howard Law School has not changed to deal with the times as we head toward the year two thousand.

The purpose of this article is to discuss the contemporary mission of the Black law school in America as we move into the next century. To meet this objective, the article will discuss strategies for passing the bar examination, successful fundraising ideas, and the long-term strategy of Black law schools. The intent of this article is to articulate ideas which Black law schools can adopt for advancing the interests of Blacks in America.

### STRATEGIES FOR PASSING THE BAR EXAMINATION

As we enter the penumbra of the next century, the immediate goal of Black law schools is its graduates' successful passage of the bar examination. Today, Black law school graduates are experiencing a difficult time passing the bar examination.<sup>10</sup> The intent of this article is not to place salt in painful wounds by accentuating the negative reality of poor bar examination performance among Blacks. To the contrary, the intent is to highlight the positive through articulation of strategies which Black law students can employ to overcome this contemporary setback.

The first step is for Black law schools to find jurisdictions where there is a need for more lawyers. The second step is to track and encourage their students to take the bar examination in those jurisdictions where there is a need for additional lawyers. This argument is essentially based on the economic concept of supply and demand. Moreover, the statistical evidence of bar passage rates among applicants taking the various examinations proves this analysis.

For example, the juxtapositioning of statistical evidence from the District of Columbia vis-a-vis North Dakota is an excellent illustration. The District of Columbia has the highest attorney to general population ratio.<sup>11</sup> For every twenty-two citizens in the District of Columbia, there is

10. In nearby Maryland, where a sizable number of Howard graduates take the bar exam, their passing rate has been 17 percent over the past 10 years—about one-fifth of the statewide average. For the years 1981-85, Howard students had a passing rate of 13 percent compared to 65 percent overall in Maryland. A recent ABA report criticizing the school noted that in 1985 Howard graduates had a passing rate of 25 percent overall in the three jurisdictions in which the greatest number took bar examinations—Washington, Maryland and Michigan.

In a 1981 self-study presented to the accrediting committee of the AALS and the ABA, Howard officials conceded the poor passing rate was the law school's "Achilles heel" — a problem that had "captured the time and attention of the faculty constantly since 1973." See, *THE NATIONAL LAW JOURNAL*, *supra* note 5, at 24.

11. NATIONAL DATA BOOK AND GUIDE TO SOURCES: STATISTICAL ABSTRACT OF THE

one lawyer.<sup>12</sup> In turn, therefore, the District of Columbia has one of the lowest bar passage rates in the country. On the February 1986 District of Columbia bar examination, only twenty-six percent of the applicants passed.<sup>13</sup> Thus, approximately three out of every four applicants failed this particular bar examination.

On the other hand, North Dakota has one of the lowest attorney to general population ratios.<sup>14</sup> For every five hundred and thirty-two residents in North Dakota, there is one lawyer.<sup>15</sup> The pass rate for the 1987 North Dakota bar examination was ninety-two percent.<sup>16</sup> Obviously there is a need for lawyers in North Dakota. This explains why the North Dakota bar examination passage rate is so very high. Over nine out of every ten applicants passed the North Dakota bar examination, whilst almost eight out of every ten applicants failed the District of Columbia bar examination. The juxtaposition of these two jurisdictions was made to illustrate the power of the economic argument of supply and demand. In an omnipotent capitalist society as the United States, the marketplace is a dominate reality.

Critics of this analysis can argue that nobody, especially Blacks, would want to live in rural North Dakota when compared to the urban setting of the nation's capitol. After all Washington, D.C. has a substantial Black population, as well as many high paying jobs. North Dakota, on the other hand, has no significant Black population or major urban setting equal to the District of Columbia. Moreover, it's human nature for members of an identifiable ethnic group to seek jurisdictions where there are sizable populations of the same ethnic group.

Therefore, because Washington, D.C. has a sizable Black population, there is a natural attraction for Black law school graduates to take the bar examination there. Insofar as North Dakota has no significant Black population, Black law school graduates have no contacts or affiliations within the state of North Dakota. Hence, they don't take the bar examination there. This criticism is reasonable, yet it's not insurmountable for Black law schools to overcome in exploiting the open North Dakota market for its graduates. The fact that Washington, D.C. or California are more cosmopolitan and wealthier than North Dakota and Montana, is no justification for the refusal of professional opportunity; nor, is the argument that places such as North Dakota and Montana have no signifi-

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UNITED STATES 1988, 108th Edition. Published by the U.S. Department of Commerce, the Bureau of the Census, Washington, D.C. See page 170, No. 291, "Lawyers By State."

12. *Id.*

13. BAR/BRI Digest: National Bar Exam Information 1989, 1909 K Street, N.W., Washington, D.C. 20006 (Copyright 1988, Harcourt, Brace, Jovanovich Legal and Professional Publications, Inc.).

14. NATIONAL DATA BOOK AND GUIDE TO SOURCES, *supra* note 11.

15. *Id.*

16. BAR/BRI Digest: National Bar Exam Information 1989, *supra* note 13.

cant Black populations. The bottom line for any law school graduate is passing the bar examination and becoming a licensed attorney. In a decreasing domestic economic market for lawyers, it's absolutely necessary for the effective, total exploitation of all available markets.

What are some of those jurisdictional markets which have a need for additional lawyers, and what is the bar passage rate? Moreover, what is the general population to attorney ratio? The best way to show these jurisdictions in relationship to the requested statistical data is via diagram. Diagram number one<sup>17</sup> is an example of jurisdictions which Black law schools should seek to track or market their recent graduates to for the bar examination and professional opportunity.

DIAGRAM I

STATE	SUMMER 1987 BAR PASSAGE	POPULATION TO ATTORNEY RATIO
HAWAII	91%	373/to 1
IDAHO	87%	493/to 1
KENTUCKY	93%	531/to 1
MINNESOTA	88%	367/to 1
MONTANA	97%	411/to 1
NORTH DAKOTA	92%	532/to 1
OKLAHOMA	90%	397/to 1
WEST VIRGINIA	84%	689/to 1

The same way a corporation analyzes markets for the effective exploitation of its products, so too must Black law schools. The product of a Black law school is its graduates, who typically have been Black. Analytical data on bar passage and the like must be maintained on every jurisdiction, and updated every six months or so. The Dean of a Black law school should be aware of up to date relevant statistics on all jurisdictions, so the Black law school can track its graduates to open jurisdictional markets of professional opportunity at any given time. The jurisdictions set out in diagram one have a need for new lawyers in their market. Thus for the year 1988, Black law schools should have tracked their graduates to the aforementioned jurisdictions in diagram one for professional opportunity. Now that we've discussed the jurisdictions which have a need for new lawyers, what about jurisdictions which illustrate a lack of a need for new lawyers. What jurisdictions exhibit a lack of a need for new lawyers? In order to acquire the names of those juris-

17. Information to compose Diagram One came from BAR/BRI Digest: National Bar Exam Information 1989, *supra* note 11. Also, information came from the NATIONAL DATA BOOK AND GUIDE TO SOURCES, *supra* note 13, at 170, no. 291.

dictions, it's necessary to find those states with the lowest bar passage rates. Diagram number two<sup>18</sup> is an example of jurisdictions which Black law schools must track their graduates away from.

DIAGRAM II

STATE	SUMMER 1987 BAR PASSAGE	POPULATION TO ATTORNEY RATIO
CALIFORNIA	50%	312/to 1
DISTRICT OF COLUMBIA	48%	22/to 1
GEORGIA	59%	428/to 1
LOUISIANA	66%	422/to 1
MARYLAND	66%	338/to 1
NEW YORK	65%	244/to 1
TENNESSEE	66%	537/to 1
VERMONT	49%	386/to 1

Diagram II is illustrative of jurisdictions where Black law schools should track its recent graduates away from when taking the bar examination for the first time. These are jurisdictions which have no current economic demand for new lawyers. Hence, because the current market supply of lawyers in these jurisdictions is great, thus, there is no demand for new lawyers. However, Georgia, Louisiana and Tennessee all have high population to attorney ratios, and illustrate a need for new lawyers. Yet, it's very important to note that each of these three jurisdictions have extremely high populations living below the poverty level.<sup>19</sup> Diagram number three<sup>20</sup> is illustrative of below poverty percentile levels for the populations for Georgia, Louisiana and Tennessee. The states of Georgia, Louisiana and Tennessee cannot absorb an influx of new lawyers. For this reason, all jurisdictions set out in Diagram II should be avoided by recent Black law school graduates. Is the solution to the bar examination dilemma the mere tracking of graduates to and away from certain jurisdictions, or is there something else needed to be done?

The tracking of recent law school graduates to and away from certain jurisdictions is insufficient in and of itself to realize the important objective of high bar passage rates among Black law school graduates. In addition to tracking recent graduates to jurisdictions where there is a demand for new lawyers, it's necessary to provide emotional and eco-

18. Information to compose Diagram Two came from BAR/BRI Digest: National Bar Exam Information 1989, *supra* note 11. Also, information came from the NATIONAL DATA BOOK AND GUIDE TO SOURCES, *supra* note 13, at 170, No. 291.

19. NATIONAL DATA BOOK AND GUIDE TO SOURCES, *supra* note 11, at 433, No. 712.

20. *Id.*

DIAGRAM III

STATE	PERSONS BELOW POVERTY LEVEL	CHILDREN BELOW POVERTY LEVEL
GEORGIA	16.6%	21.1%
LOUISIANA	18.6%	23.5%
TENNESSEE	16.5%	20.6%

conomic support to graduates while they prepare for the bar examination. Exactly what is meant by emotional and economic support?

The emotional support can be provided by organizing seniors into bar examination study groups according to jurisdiction. Each jurisdictional study group must then be assigned a mentor. Preferably the mentor should be a licensed member of the bar where the particular study group is seeking admission. Compensation of the mentor can be an option if it's necessary. This type of net-working strategy will provide the necessary emotional support for recent graduates taking the bar examination for the first time. Each year as graduates pass the bar examinations in preselected tracked jurisdictions, the data base of mentors increases for the Black law school. Moreover, mentors can also come from non-alumni attorneys who may wish to associate themselves with the cause of the Black law school.

The next important aspect of support for bar candidates is economic support. Typically the job of the law school is complete once the student earns the Juris Doctorate Degree. However, with the current dilemma of a substantial percentage of Black law school graduates failing the bar examination, typical measures employed by White law schools are insufficient. Contemporary circumstances require Black law schools to employ additional support measures to insure higher bar passage rates among its graduates. The foremost measure is to insure that applicants to the bar examination are enrolled in the appropriate bar review courses. Inasmuch as many Black applicants for the bar are indigent and unemployed at the time of graduation from law school, hence they're unable to afford the necessary luxury of bar review courses. In today's market, these bar review courses are absolutely essential because they fine tune the applicant's skills for a particular jurisdiction's essay questions as well as the multi-state examination. The cost for a bar review course, travel, room and board and the like for the bar examination can cost a tidy sum. Taking into account the lost income suffered from time off from work to study for the bar examination, easily the expense to take the bar examination can be several thousand dollars.

The best remedy is to assist law graduates in securing legal employment which pays for all bar review courses and the like as a fringe bene-

fit. Yet, indeed this remedy is already being employed by the various placement offices of Black law schools. The purpose and goal of a law school placement office is to get good paying legal jobs for their students. However, in view of the fact that many Black law school graduates don't get good paying legal jobs right out of law school, it's necessary for the school to take additional measures to help graduates pay for the necessary costs of adequate bar review preparation. Therefore, special programs should be used to buy bar review materials each year and then given to the various arranged jurisdictional study groups. But this raises the all important question, where is the money going to come from to finance these special programs? The answer to this very important question can be found in the implementation of an effective fundraising program.

### SUCCESSFUL FUNDRAISING IDEAS

The necessary funds to implement programs to assist graduates with acquisition of essential bar review materials to adequately compete on the bar examination, can be realized via effective fundraising programs by the Black law school. Initially, fundraising activities can begin through a mail and telephone campaign which seeks cash contributions from the university alumni. It is important to understand the correlation between the size and motivation of the workforce relative to the daily amount of pledges realized.

A predominately Black institution of higher learning can provide a highly motivated, significant size workforce via the student population. One source for fundraisers is the college work study program. Another source is student participation via a pro-bono work donation program. Insofar as the realization of funds benefit the institution and the students, this factor in turn will motivate the student workforce. It is this motivation toward fundraising success which can generate substantial sums of money. Various fundraising programs can be consummated which generate cash contributions for the law school. For example, a program could be created which raises scholarship funds for indigent students. Additionally, an institutional endowment fund could be established. With the use of a telephone "watts line" the reservoir of potential donors expands from the locality to the entire nation.

Realized cash contributions can be used to establish or advance an endowment for long term institutional investment. Various predominately white institutions and historically Black institutions have generated large endowments. Diagrams four and five juxtapose White and Black institutions relative to their endowment funds.

**DIAGRAM IV**  
**ENDOWMENTS OF THE TOP TEN INSTITUTIONS BASED ON**  
**SIZE OF ENDOWMENT<sup>21</sup>**

INSTITUTIONS	ENDOWMENT FUNDS
1. Harvard University Cambridge, Mass.	\$3,345,010,000
2. University of Texas System of Texas	\$2,530,730,000
3. Princeton University Princeton, New Jersey	\$1,934,010,000
4. Yale University New Haven, Connecticut	\$1,739,460,000
5. Stanford University Palo Alto, California	\$1,317,870,000
6. Columbia University New York, New York	\$1,266,640,000
7. Texas A&M University System of Texas	\$1,110,440,000
8. Massachusetts Institute of Technology	\$ 972,346,000
9. Washington University	\$ 958,461,000
10. University of Chicago Chicago, Illinois	\$ 803,500,000

The above figures, based upon the National Associate of College and University Business Officers' survey, reflect the endowments for the 1985-86 school year. The endowments of all schools have increased since that time.

21. Lyons, *The Richest Black Schools*, EBONY, Dec. 1987, at 56.

**DIAGRAM V**  
**ENDOWMENTS OF THE TOP TEN BLACK INSTITUTIONS**  
**BASED ON SIZE OF ENDOWMENT<sup>22</sup>**

INSTITUTIONS	ENDOWMENT FUNDS
1. Hampton University Hampton, Virginia	\$76,572,000
2. Spelman College Atlanta, Georgia	\$42,605,000
3. Howard University Washington, DC	\$41,605,000
4. Tuskegee University Tuskegee, Alabama	\$29,775,169
5. Dillard University New Orleans, Louisiana	\$14,949,226
6. Morehouse College Atlanta, Georgia	\$13,620,408
7. Jarvis Christian College Columbia, South Carolina	\$13,314,000
8. Benedict College Columbia, South Carolina	\$13,260,000
9. Atlanta University Atlanta, Georgia	\$12,632,094
10. St. Augustine's College Raleigh, North Carolina	\$11,457,028

These endowments generate yearly interest revenues for the aforementioned institutions. Hence, a ratio of realized cash from fundraising activities should be set aside for institutional endowment. The principle endowment set aside should be done yearly from cash contributions generated via the fundraising mechanism.

Howard University receives about two-thirds of its budget from direct funding from Congress. Members of Congress have criticized Howard's president for failure to initiate any serious fundraising activities.

Created by congressional charter, Howard University gets regular government funding, rather than grants or federal contracts. This year's appropriation request is for \$175.6 million, about two-thirds of the university budget.

Critics say that government underwriting makes the school virtually immune from private economy forces and, as a predominantly Black institution, it gets more sensitive consideration from Congress.

In May, Sen. Lawton Chiles, D-Fla., chided Howard University's Mr.

22. *Id.* The figures, provided by the United Negro College fund, NACUBO, and individual schools, reflect the endowment funds for the 1985-86 school year. All endowments have grown since that time, Hampton's endowment expanding to \$84,000,000.

Cheek about the school's "relatively modest" private contributions of \$5 million in 1987. He pointed out that the "peer institutions" with which Howard compares itself—John Hopkins, Stanford and Yale universities—received from five to 33 times as much.

Only this year has Howard established an alumni association to solicit contributions. In May, Mr. Cheek, answering Senator Chiles' questions in testimony before a Senate appropriations committee, said he hopes the effort will substantially increase the amount of contributions by next year.<sup>23</sup>

In regard to fundraising, Congress' comparison of Howard University to certain White institutions is unfair. Omnipotent, institutional racism is very much a force in the American market place today. Although Title VII of the Fair Employment Act prohibits racial discrimination in employment practices, nevertheless, Blacks are routinely discriminated against in employment. In turn Black alumni from Howard University don't have the same economic power as White alumni from John Hopkins, Stanford and Yale universities. Therefore, the comparison of Howard University to these aforementioned White institutions relative to realized monies from fundraising is unfair. However, Howard University's failure to solicit contributions only until just this year is inexcusable. The contemporary trend among all institutions of higher learning is to raise funds for supplement of advancement of academic excellence through the private sector. Thus effective fundraising is an absolute essential activity for any educational institution in general, and especially Black law schools today.

Is there an example of a Black institution of higher learning, which has generated substantial funds through effective fundraising activities? Hampton University provides an excellent example of an outstanding fundraising program. Through an efficient fundraising program, Hampton University has established itself as the number one predominantly Black institution with an endowment of \$84,000,000 at present.<sup>24</sup> With drastic reductions in federal and state funding, many institutions have turned toward private contributions to improve their endowments. These endowments are typically used to finance academic programs, research, scholarships and other academic interests.<sup>25</sup>

In 1978 Hampton University's endowment was \$29,000,000; within less than a decade it has gone up to \$84,000,000.<sup>26</sup> How did Hampton University realize this success? Through a major five year fundraising program which began in 1982. "Alumni contributions helped the school exceed its planned 1982 drive to raise \$30,000,000 in five years by actu-

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23. The NATIONAL LAW JOURNAL, *supra* note 5, at 23-24.

24. Lyons, *supra* note 21, at 56.

25. *Id.*

26. *Id.*

ally raising \$46,000,000 in three years."<sup>27</sup> This success at Hampton University can be realized by other Black institutions via a well organized five year plan which seeks endowment advancement. Although Hampton University is indeed a sterling example of a successful fundraising program for a historically Black institution of higher learning, however, it's not a law school. Is there an example of a law school which has generated substantial monies through effective fundraising activities?

The West Virginia University (WVU) School of Law is an excellent example of a law school which has generated substantial funds through effective fundraising. In six years WVU's established fundraising program raised over one million dollars. The WVU program began without any money, and raised over one million dollars. The WVU program generated no interest assets whatsoever. Thus, the WVU program went from zero to over one million dollars in six years.<sup>28</sup>

The WVU program is evidence that an institution can begin a new fundraising program, and generate large sums of capital. How did WVU utilize its over one million dollars in assets? The over one million dollars were used for, *inter-alia*:

1. Providing scholarships
2. Computerizing offices
3. A new Moot Courtroom
4. Financing student activities
5. Building study rooms
6. Furnishing interview rooms
7. Creating professorships.<sup>29</sup>

The necessary monies to finance special programs to assist recent graduates of Black law schools to acquire the essential bar review materials can come from resources realized from fundraising. Moreover, the expenses for tracking and placement of these graduates with mentors in various jurisdictions can likewise come from fundraising sources. Now that we have discussed strategies for improving bar passage rates for Black law graduates, and how to pay for it, next this article will discuss the long term strategies of Black law schools.

#### LONG TERM STRATEGIES OF BLACK LAW SCHOOLS

The short term benefit of tracking recent Black graduates to jurisdictions such as North Dakota is immediate bar examination passage. But, there is a long term benefit which is political. The recent election of

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27. *Id.*

28. Information provided by a 1987 letter from the acting Dean Robert G. Lathrop of WVU College of Law. As a result of the success of WVU's first fundraising program, in turn the institution has now established several other fundraising programs.

29. *Id.*

Black candidates in jurisdictions which are overwhelming or predominately White, illustrates that Blacks can get elected in majority white jurisdictions. The first elected Black governor in the history of the United States was realized in the 1989 Virginia election when Howard Law School alumni, L. Douglas Wilder, beat a White candidate.<sup>30</sup> Virginia is not only overwhelmingly White in population, but it is the historic capitol of the Confederacy. It is the colony where slavery first flourished. This historic event in Virginia is not an aberration either. Indeed, in seventy percent White New Haven, Connecticut, a Black candidate beat a White candidate for mayor by more than two to one.<sup>31</sup> Moreover, in ninety percent White Seattle, Washington, a Black candidate beat a White candidate for mayor inspite of anti-busing racial overtones.<sup>32</sup> Another major historic event was realized when a Black candidate, Howard University alumni David Dinkins, was elected mayor of New York City—the financial capital of the world and business Mecca.<sup>33</sup>

Therefore, Black law schools must not only track their graduates to overwhelmingly White jurisdictions, but must also motivate them to seek omnipotent political aspirations. These institutions must carefully plant the seeds of their young graduates in these new territories, so that the bountiful political harvest may indeed be realized in the year two thousand and beyond for the benefit of all Blacks and Whites nationwide.

The strategic tracking and placement of young Black law graduates to jurisdictions as set out in Diagram I can have a desirable effect on national politics. Jurisdictions such as North Dakota were Republican Party strong holds in the last three presidential elections. The strategic placement of talented young Black lawyers with political aspirations can and will later change the political waters in states like North Dakota. The cultural assimilation of these young, talented Black lawyers will serve to moderate the ultra right wing views currently dominate. Why are the political views in say North Dakota so very different than in New York? The obvious reason is because voting, ethnic minorities are present in the former and absent in the latter. If educated Blacks are present in North Dakota, in turn Black interests can be represented and advanced in North Dakota politics. Hence, the strategic placement of young Black lawyers in these heretofore Republican strong holds can have a desired moderating influence on “anti-Black” issues in the Republican Party today. With the omnipotent racial symbol of the Willie Hor-

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30. *Wilder Narrowly Defeats Coleman in Virginia to Become First Elected Black U.S. Governor*, The Washington Post, Nov. 8, 1989, at 1, col. 2.

31. *Incumbents, Blacks Win In Big-City Mayoral Races*, The Washington Post, Nov. 8, 1989, at 31, col. 1.

32. *Id.*

33. *Dinkins Is Elected N.Y. Mayor*, The Washington Post, Nov. 8, 1989, at 1, col. 1.

ton affair, used by the Republicans to gain the White House, it's obvious that the Republican Party is currently "anti-Black."<sup>34</sup>

By tracking and placing young Black lawyers in these Republican Party strong holds, such as North Dakota, there are two long term political objectives. The first is the election of Black lawyers to omnipotent political positions within the Republican Party. The second is the election of Black lawyers to omnipotent positions within the Democratic Party within these rural jurisdictions. Realization of the first objective can serve to moderate the current "anti-Black" stance of the Republican Party from within. On the other hand, realization of the second objective can turn the electoral votes of say North Dakota from Republican to Democratic and thus influence the outcome of the presidential election. Arguably the quickest way to change the "anti-Black" stance of the contemporary Republican Party, is through Black initiated/organized assistance in the defeat of Republican candidates in these now Republican strong holds.

Currently there are no Black Senators in the United States Senate as we approach the year two thousand. The last elected Black person to the United States Senate was Senator Edward W. Brooke of Massachusetts, a Howard University alumni. He served in the Senate from 1964 until his defeat in 1978.<sup>35</sup> Here again is evidence that Blacks can win elections in overwhelmingly White jurisdictions. Through the strategic tracking and placement of Black lawyers in rural jurisdictions, such as North Dakota, the benefits will be the election of Blacks to the United States Senate and much more.

Although the short term benefit of tracking and placing Black law graduates to rural jurisdictions is immediate bar passage, the long term benefit can be the election of Black lawyers to omnipotent political positions.

### CONCLUSION

If the purpose of the Black law school is merely to educate people who happen to be Black to become lawyers, then the Black law school must close its doors, because White institutions can accomplish this objective far better. However, if the mission is to train law students to become advocates for social change in the world for the betterment of all human-

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34. During the 1988 presidential election, the Willie Horton issue was created by Republican candidate George Bush. Democratic candidate Michael Dukakis was governor of Massachusetts when convicted killer Willie Horton was released from jail through a prison furlough program. Willie Horton, a Black felon, escaped to Maryland and then raped and murdered a White woman. Republican George Bush successfully used the Willie Horton issue because of its racial overtones to create a White backlash against Democrat Michael Dukakis.

35. W. AUGUSTUS LOW AND VIRGIL A. CLIFE, *ENCYCLOPEDIA OF BLACK AMERICANS* 192-193 (1st ed. 1981).

ity, then the doors of historically Black law schools must be kept wide open.

In 1947, Howard Law School saw a social evil which injured all people of color solely on the basis of race. At the January 26, 1947 conference at Howard Law School, war was declared on racially restrictive covenants. Victory was realized by those legal gladiators in the landmark case of *Shelley v. Kraemer*.<sup>36</sup> Mission accomplished, a job very well done, now what?

Now the mission of historically Black law schools is to track and place its graduates in jurisdictions where there is a need for new lawyers; and, in turn where these graduates will pass the bar examination the first time. That is the immediate short term goal. But the important long term objective is for Black law schools to encourage and energize their graduates to seek and realize omnipotent political positions such as United States Senator, Governor, and State Supreme Court Justice. With the strategic placement of Blacks in powerful elected positions in states such as North Dakota today, Black law schools are laying the foundation for the eventual election of a Black person to the United States Presidency tomorrow.

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36. 334 U.S. 1 (1948).