

Legal Knowledge
Episode 4, Season 2 Interview
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Guest: Claudrena Harold

—Musical Intro —

Claudrena Harold 00:10

So, there is simultaneously this push for curricular reform. How does the Law School prepare us to think about civil rights compliance? How does the Law School prepare us to think about responding to the Taft-Hartley Act? How does the Law School prepare us to think about reproductive issues? Does change come through curriculum reform, and or does change also come through the diversification of the faculty?

—Musical Break—

Randi Flaherty 00:46

Hello, everyone, and welcome to *Legal Knowledge*. I'm your host, Randi Flaherty. In this episode, my cohost Loren Moulds sits down with University of Virginia history professor Claudrena Harold to explore the 1960s and 1970s as a really pivotal moment for American universities and for UVA and the UVA School of Law in particular. And the real mover in this period that she discusses is student activism around curricular change.

Randi Flaherty 01:14

Professor Harold explores the formation of the Black Law Students Association and the Virginia Law Women at the Law School, both of which formed in the early 1970s, as engines of institutional change, particularly related to faculty hiring and the curriculum. These students pressed the Law School to move beyond doctrinal abstraction and toward a curriculum that was socially engaged, that grappled directly with topics like civil rights compliance, women in labor, and that embraced new opportunities for practical and clinical experiences for law students such as legal aid work.

I love how Professor Harold talks about the University in this moment of the 1960s and 1970s as a coming together of different people, transformed at times by different movements. And we think about the civil rights movement, Vietnam, the women's liberation movement, the labor movement, all with the goal of converting the University, as

she says, into a site of intellectual rigor and societal transformation. Claudrena calls the students of this generation institution builders, and she makes a really compelling case in this episode that in order to understand today's law school, today's university even, we must understand the work that was done in the 1960s and 1970s to expand the curriculum, expand clinical work, and expand the faculty. Here's Loren's conversation with Claudrena Harold.

—Musical Break—

Claudrena Harold 02:41

My name is Claudrena Harold. I am a professor of history and the associate dean for the social sciences in the College of Arts and Sciences.

Loren Moulds 02:51

Well, Claudrena, thank you for joining us. Your chapter traces how a generation of UVA law students in the '60s and '70s, shaped by the civil rights and women's movements, pushed the school to diversify its student body and the faculty, rethink its curriculum, and expand legal education towards public service through initiatives like legal aid and new socially engaged courses. What interested you in taking on this project looking at student activism and curricular change at the Law School?

Claudrena Harold 03:21

It was really an honor to be a part of this project. Since 2013, I've been a part of a multimedia project called Black Fire, which explores the history of African Americans at the University of Virginia and student protest at the University of Virginia in the post-civil rights era. Really, from 1964 to the present. And the Law School is a part of my work because the Law School is situated, it's housed in in in Clark. And so, when I think about the African American experience at the University of Virginia and the student experience, I sort of divide it into categories. The trailblazer generation, those are the students who came, let's say from 1950, Gregory [H.] Swanson (1951), to 1970. And then there are the institution builders, the students who came or who were here from like 1970 to, let's say, 1985.

And these were the students who laid the foundation for so many critical institutions at the University of Virginia. The Black Students for Freedom, the Black Student Alliance, the Black American Law Student Association, BALSA. So, this project provided me with an opportunity to build on previous work, but to also examine the ways in which those activist experiences in undergrad shaped the experiences of students in law school. And to understand those connections. Looked forward to the opportunity to examine a group of

student activists who were raising critical questions about what is the meaning of freedom, what is the meaning of justice? How do we understand the Civil Rights Act 1964? How do we understand and think about issues of civil rights compliance? Right? But to go a little deeper and to really think about, okay, criminal procedure, criminal law, and what does it mean to be living in a moment of political upheaval and thinking about the law as an agent of change. That's the dimension of the larger story that I could explore in greater depth by looking at the Law School.

Loren Moulds 05:56

What did the Law School look like at that moment in 1964, 1967?

Claudrena Harold 06:02

It did not look like the community from which many of the trailblazing African American students came. It did not look like the African American community in Hampton or Norfolk. It was overwhelmingly white and male. This was a stark contrast to what those students had experienced in high school and even college, because it's important to note that many of the pioneering, trailblazing African American activists came from historically Black colleges and universities. Many of them. John [F.] Merchant (1958) came from the great Virginia Union University in Richmond. James [F.] Gay (1968) came from Norfolk State University. There were a few people who had a different experience. If you're talking about someone like Linda [G.] Howard (1973), first African American, the first woman to be the president of the Law Council. She came from Reed College. And so, one of the arguments that I would make is her ability to navigate this space in a particular kind of way is no doubt shaped by that Reed experience. What it Charlottesville like? More diverse. And that's why you hear so many of the trailblazing generation of African American law students talk about the importance of the Charlottesville community and the ways in which the Charlottesville community sustained them. That is the central theme in the reflections of someone like John Merchant. The University itself? White, male, traditional, but also transforming by the 1960s.

There is emerging a generation of white students who have been radically transformed and altered by this spiritual, this social, this political movement, the civil rights movement. They have been shaped by the activism of and the courage of students, and they've been shaped by what happened in North Carolina A&T [Agricultural and Technical State University] in the sit in in Albany, in Selma. And they want to bring that change to the University of Virginia. So, it is the coming together of different people, transformed at times by different movements, with the goal of converting the University into a site of intellectual rigor, but also societal transformation.

Loren Moulds 08:38

So, one of the striking things about your story, about this chapter, is the cast of characters that you provide us. Students who are already deeply involved in the civil rights activism, antiwar activism, as you said. How did that begin to change things at the Law School?

Claudrena Harold 08:54

It's a great question. James Gay arrives in 1965. He's committed to addressing racial segregation and exclusion that's still happening in Charlottesville. He attempts to address the racism and the segregation that is still supported in some ways by Student Council policy. So, one of the first things that he attempts to do is say, we got to comply with the Civil Rights Act of 1964, and he works to pass this resolution banning, you know, segregated businesses that from university sponsored events. And so, that's an example where it's still not inside the classroom. It's still connected to this kind of external push for desegregation. But then there emerges a group of faculty members who are raising these questions about legal education. As a result, I think by '67, '68, '69, and we can go as early as '65, there are also some students who are raising similar questions about legal education. So, there is simultaneously this push for curriculum reform. How does the Law School prepare us to think about civil rights compliance? How does the Law School prepare us to think about responding to the Taft-Hartley Act? How does the Law School prepare us to think about reproductive issues? Does change comes through curriculum reform, and or does change also comes through the diversification of the faculty?

Loren Moulds 10:48

Your chapter actually begins with, a meeting in February of 1969 where student leaders on Grounds at the at the University draft this eleven-point program for change. So, what were they demanding? And I think specifically, in sort of light of our conversation today, what—how did law students participate in that broader conversation?

Claudrena Harold 11:12

They are a part of Student Council. And our reality is so different right now. I think there's such a separation between undergraduates and graduate students and professional students.

Loren Moulds 11:25

I think it's important to note that we're talking today on North Grounds at the Law School, which is quite a hike from Main Grounds.

Claudrena Harold 11:31

Right.

Loren Moulds 11:31

Where in 1974, still, the Law School was at Clark Hall, which is the center of everything.

Claudrena Harold 11:38

Student protest at the University of Virginia really intensifies in '67 to 1970. Or that's an important three-year period. 1968, November 1968. [Student Council President James] Roebuck (Grad 1969, 1977) presents a series of resolutions demanding desegregation, demanding that the athletic department bench Jim Crow. UVA was the last school in the ACC to integrate. Demanding a Black studies program, demanding that workers have the right to unionize, demanding a living wage, demanding coeducation. All of these things are happening on Grounds. And you can see with the, you know, the weekly newspaper, the Law School, the law school student body, they're not fully immersed in this, but they're watching. But by 1970, in the Law School, you have a group of African American students that includes folks who are committed to diversifying the faculty.

Loren Moulds 12:40

Why do you think the students believed they had to push the University themselves, as opposed to relying on the existing governance structures or the faculty or administrative level change?

Claudrena Harold 12:49

Because they were not there. You have to remember that the Civil Rights Act was passed in 1964 under a mandate to end dual segregation, and states were required to write up a plan to end dual segregation. Most states did not. What the passage of this act did was it mobilized students and it fueled students to engage in activism. And so, there's also with the Civil Rights Act of '64, a threat of losing funding, of being defunded if you do not comply with the Civil Rights Act of 1964. And so, the idea is to draw attention to these issues and this idea that we need new courses on criminal law and criminal procedure, on constitutionalism, on civil rights, on women, on native American—.

Loren Moulds 13:45

Environmental law.

Claudrena Harold 13:46

Right, environmental law. And that's a part of a larger revolution in curriculum. I focus a lot on the formation of Black studies, and that pedagogical innovation or that pedagogical revolution is happening in the Law School as well.

Loren Moulds 14:04

One of the most important developments in this period was the formation of BALSA, of the Black American Law Students Association at Virginia. I was hoping that you could explain why law students felt it was necessary to create their own organization, and what circumstances led to its founding.

Claudrena Harold 14:22

So, as the number of African American students slowly increased, they sought to create formal organizations to advocate for their interests. So, in 1970, students established the UVA chapter of the Black American Law Student Association, BALSA. The organization aimed to support students socially and academically, while also promoting broader institutional reforms. It's important to note when the earlier generation of African American students came to the Law School, they also relied on communities of support, and they had these personal networks. So, you will hear Elaine [R.] Jones (1970) reflect on her relationship with James Benton (1970) and how they depended on each other, how they supported each other. But it was very informal. And by 1970, African American students recognized the need to have something more institutionalized and to have an organization that could facilitate connection with other Black law students in Virginia and across the nation.

—Musical Break—

Loren Moulds 16:01

Bobby [N.] Vassar (1972) later described BALSA in the early '70s. He said it was something that was giving them a sphere of operation for their activism, for their goals. What do you think he meant by that? A sphere of operation?

Claudrena Harold 16:12

I think a sphere of operation meant that you had an autonomous space to register your discontent and to articulate a vision, to advocate for the increased recruitment of African American students and faculty members, to encourage the Law School to address inequities within the curriculum and hiring practices, but also to organize conferences, outreach events, to be a part of this larger intellectual community that's raising fundamental questions about the relationship between the law and race. That sphere of

influence, you need your own space. It does not mean that you don't work with student council or law council, but it's a recognition of the particular circumstances under which you are operating. It means that you can begin to set your own agenda.

Loren Moulds 17:13

And so, how did that play out? What were some of the things that were implemented by the Law School?

Claudrena Harold 17:17

Change was slow. Students were pressing for hiring of more Black faculty. The administration would respond, Well, we're trying, but we can't get more Black faculty. There would be conversations about merit and qualifications, and then there would be this argument that was repeated often that those faculty or those educators, those in the legal profession who met the standards of UVA, they were being recruited by all of the other top law schools, and they wouldn't come to Charlottesville. And so, that is, you know, that was a conversation across the board. And what students would do is just say, well, you're not trying enough. Let me see your pool of candidates. You know, so students would actually make recommendations. Students would engage in recruitment. Students would identify qualified candidates and present those candidates or their dossier to the dean. They would actively recruit. They would talk to other students about like, okay, who's available? This was a common form of activism for students. They generally did not feel that administration had the will to carry out their vision. And what was interesting is when the students would call the administrators out, how other students would respond and say, Well, you're not being civil enough. You're not following the politics of respectability enough. And so, it's very important to note that there was not a monolithic student body. They did not share one position on this issue.

Loren Moulds 19:16

You write about the formation of the Virginia Law Women in the early '70s. What conditions made an organization like that necessary? And what was the experience of women at UVA Law in the late '60s and '70s?

Claudrena Harold 19:30

It was difficult. And so, you see women law students organizing to address gender discrimination. Despite the Law School admitting women since 1920, female students remained a small minority. Women frequently faced discriminatory questions during job interviews. They were sometimes viewed as occupying positions that should have gone to

men. And so, they had to begin to form networks to support each other and to advocate for institutional change.

Loren Moulds 20:09

So, how did the Virginia Law Women come together?

Claudrena Harold 20:12

So, perhaps I'll start this story with Mary Jane McFadden (1974). Mary Jane McFadden started law school with this deep awareness of the legal fight for gender equality. She did not arrive at the University of Virginia as a political blank sheet. She had a great deal of political experience as a result of her undergraduate years at Ohio State University. When Ohio State shut down after the Kent State murders, McFadden was part of a negotiating team setting the terms for the university's reopening. And she remained committed to social justice work. In fact, one might say her political convictions grew at the University of Virginia, despite the fact that her activism was not initially welcomed. A couple of months before the start of the academic year, she contacted every current and incoming woman law student about organizing to protect and advocate their interest. The response was anything but encouraging. Only two women wrote back, and they both cautioned her and told her, you know, let's not disrupt the status quo too much. But she continued to hold on to her vision of societal transformation. And so, in October 1971, McFadden would be one of six students who would attend a historic conference at Duke University entitled Women in and Under the Law. The other attendees were Ellen [A.] Bass (1973), Elizabeth [H.] Trimble (1973), Diane [L.] Herman (1972), Margaret [A.] Wilson (1974), and Bobara [E.] Liles (1974). And at the gathering, Ruth [Bader] Ginsburg was the keynote speaker, and she delivered an address that discussed and tackled the issue of the legal status of women. She talked about the percentage of women in law school and other issues. This event had a profound impact on the attendees, and upon their return to the University of Virginia they began to organize.

Loren Moulds 22:35

And the Virginia Law Women, what changes were they pushing for?

Claudrena Harold 22:40

They were pushing for change in the curriculum. They were pushing for courses that address the legal issues that women were facing. Remember, this is the moment of the Equal Rights Amendment. This is a moment where people are talking about reproductive justice. This is a moment where people are trying to figure out, even with the Civil Rights Act and Title VI, Title VII, you know, how will this be leveraged in the legal, I mean, in the labor

arena? And they're also asking for, and demanding, more women faculty. And this is a moment where some of those demands also surface very complex issues about intersectionality. Because you have two groups at this moment making demands on the University for curriculum innovation, faculty diversification. African Americans are knocking on Dean [Monrad G.] Paulsen's door. So, too, are women. And guess what? There are some people who are there [laughs] both occasions and that makes things really complicated. Linda Howard runs for the presidency of the Law Council on a platform that calls for curricular reform and hiring more women faculty. This is an issue that is addressed in one of her first meetings. She, along with the other women, make a case for Dean Paulson to hire a woman professor. He says, you know, maybe next year. But at that same meeting, there is a member of BALSIA, a male member of BALSIA, who says, We don't have time for this women's lib stuff. We need to have a Black professor. It's an interesting articulation, because within that statement is this idea that a Black professor couldn't be a woman. Or that a woman professor couldn't be African American. It results in a very tense moment. Linda Howard responds back and says, you know, We're on our way up as women, and we really don't have time for this chauvinist perspective. And there are a choruses of, appropriately enough, right ons [Moulds laughs]. It's an interesting moment. It's a really interesting moment. In this moment of liberation, what are the experiences of women who are Latino, who are Asian American, who are white, who are poor, who are from the South, who are rural, who are urban, who are educated formally? How do we develop a framework to understand those experiences? That's what these students are wrestling with.

Loren Moulds 26:21

Would you mind telling us what the curriculum would have looked like when they arrived, or earlier, and why these students felt that needed to change?

Claudrena Harold 26:30

Students criticized traditional legal education as overly rigid, theoretical, and disconnected from contemporary social issues. Constitutional law, for example. They recognized the importance of having a in-depth understanding of the foundations of constitutional law. But what they were frustrated with was the ways in which it did not, in their view, prepare them for the challenges of the political moment. What does constitutional law say about Vietnam, about the draft, about states' rights? And I think there was also this perception that perhaps at other universities, students were getting that aspect of a legal education. It is important to understand that students' demands for curricular reform are also connected to their career aspirations. Also, we see a growth in courses that are embracing interdisciplinarity and, once again, this is part of a larger curriculum revolution. There is a

radical reorganization of knowledge production, and the Law School is a part of this moment. And that's why this work is so important, because it reminds us there's nothing new under the sun and that, you know, we've been here before. And what I appreciate most about these students and this curriculum reform part is that they understood it's not just about what the person in front of you looks like, but it's important what are they teaching. That at the end of the day, I believe in the University. I believe in the University as an agent of change. And at the heart of that is the curriculum. At the heart of that is that learning experience. And that's what these students were very clear about, and that's what they brought. Along with faculty. Like, how do you think about legal education? If the University and the Law School can't be a site of those intense conversations, we're in trouble. Everybody didn't have the same perspective on the Civil Rights Act of 1964, but they had a conversation about it.

Loren Moulds 29:11

What's interesting about this is we're seeing a moment in which we're rethinking what and who legal education is for.

Claudrena Harold 29:19

I'll also add that another major reform involved expanding opportunities for practical legal training. What we get in the mid-1960s is a group of law students who, of course, propose creating a legal aid program that would provide free legal services to low-income residents of Charlottesville. Students believed that such a program would benefit both the community and their own legal education. I say that because, to me, this is as important as when we talk about the push for a living wage and the right of workers to unionize. It's all a part of this larger movement and this larger initiative to address the University's relationship to the larger community, to the Charlottesville community. How do you help people dealing with family dispute, rent eviction? What is the role of the scholar? What is the role of the educator?

Loren Moulds 30:25

What role did this generation of students play in shifting the identity of UVA Law in the University of Virginia?

Claudrena Harold 30:34

In my course, Black Fire, which focuses primarily on the undergraduate experience, I make the argument that in order to understand modern UVA and the university that we inhabit now, you must have a thorough understanding of the period between 1960 and 1980. If the Law School was the center of my analysis, I wouldn't change that position. I firmly believe

that the Law School that we inhabit now was significantly shaped, defined by this critical period. The organizational infrastructure that we have now was built during this period. I think through persistent activism and collaboration with faculty and administrators, these students helped transform legal education into a more inclusive and socially engaged institution. The influence of this generation still abounds. Their efforts shape our profound sense of disappointment when the Law School and the University fall short, but also our expectations of what it could be. And there's so much to be proud of. It's a really, you know, and learning about James Gay and Elaine Jones and Linda Howard. It's hard sometimes being African American here. And I love it here. But it was—my love of this place is shaped by the ways in which I can find my story here. But there's a rich tradition of civil rights and human rights activism here. And so, to be a part of this community and to have models, to have examples of how you can navigate the world. That's a beautiful thing. To draw on the experiences of some of these people who came before you? That's, you can't beat that. You know, the story of race and difference and gender isn't just about tracing slavery and eugenics. It's about tracing the history of people who transformed the ways in which we think about the law, and the ways in which the law can support human flourishing. Like, that's a beautiful thing.

Loren Moulds 33:20

Well, Claudrena, this has been such a delightful conversation. I really, really appreciate the work that you've done to tell us this story.

Claudrena Harold 33:26

Thank you.

—Musical Break—

Blake Cabral 33:32

Legal Knowledge is a product of the University of Virginia Law Library Special Collections team. Randi Flaherty, head of special collections and legal historian, and Loren Moulds, head of digital scholarship and preservation, served as interviewers. Music and production by me, Blake Cabral, with editorial contributions from Addie Patrick and Jane McBrien. The Legal Knowledge podcast features interviews with contributors to our book, *Legal Education at the University of Virginia: Tradition and Transformation*, published by University of Virginia Press.

You can listen to season one online at legalknowledgepodcast.com or wherever you get your podcasts. Join us next time as we continue to explore the history of legal education at the University of Virginia. Thank you for listening.

—Musical Outro—