

SHOWING THE WAY

*Eric Yamamoto**

Among the toughest tasks for a law professor—as teacher and scholar—is to make one’s life’s work matter beyond the walls of the academe. Our immediate audiences are students and other law professors. This is fine. Yet law teaching, while exciting in the classroom, can be an insular institutional existence.

And if justice is your kin, you yearn for something more. Teaching students about injustice and efforts to rectify wrongs and writing articles for peer academicians can be satisfying, but only partially if your work rarely touches communities where injustice resides and struggles for better conditions—for a better world—persist.

How, then, do we extend beyond the academe’s walls and touch those dynamic communities in struggle? That is indeed the question. More particularly, how do we engage with the lives of people immersed in percolating controversies, to integrate theory into practice, to bridge the gap between injustice in the abstract and justice on the ground? To walk the talk? To make our life’s work matter?

Ask Charles Ogletree, Jr. Better than any other, he lives it.

Listen to Tree giving voice to Otis Clark—survivor of the Tulsa Race Riot. In late May 1921, “a mob of white rioters, including [state and city government workers], descended upon Greenwood, the African American district of Tulsa popularly known as the ‘black Wall Street.’ Within twelve hours, over eight thousand African Americans had been forced to flee their homes . . . Otis Clark, . . . eighteen, fled [to save his life].”¹ Three hundred African Americans were murdered, 1200 houses burned down. Twenty million dollars in destroyed property (today’s value). Those who did not flee were “herded into detention camps, later to spend the winter like refugees [in their own town].”² No apology, no compensation. Instead, the pain of this trauma intensified as Tulsa officials and residents white-washed the murder and mayhem as if it never happened, and if it did, it was the African Americans’ fault.³ Otis Clark refused to return until well into his nineties.

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1. Charles J. Ogletree, Jr., *Tulsa Reparations: The Survivors’ Story*, 24 B.C. THIRD WORLD L.J. 13, 17 (2004). See also Charles J. Ogletree, Jr., *Repairing the Past: New Efforts in the Reparations Debate in America*, 38 HARV. C.R.-C.L. L. REV. 279 (2003).
2. *Id.*
3. See ALFRED L. BROPHY, *RECONSTRUCTING THE DREAMLAND: THE TULSA RACE RIOT OF 1921* (2002) (thorough and insightful account of the Race Riot, its aftermath, and the findings and politics of the “Oklahoma Commission to Study the Tulsa Race Riot of 1921”).

But return he did. That is because Tree, and his Reparations Coordinating Committee, gave more than voice to Otis Clark and the 120 other still-living survivors. They also built a hard bridge over the huge gap between injustice in the abstract and justice on the ground. Clark, now over 100 years old, came together with other survivors and descendants of the horror to demand acknowledgment of their story and to claim redress. They sued the Governor of Oklahoma and city officials seeking reparations—a truth-telling of history and compensation for human losses.⁴

While Clark's and the other survivors' lives lay at the heart of the litigation, Tree was its catalyst—the frontline scholar-lawyer for the people. His energy and insight moved legal mountains. He reached out, not only to the survivors and media, but also to a broad array of reparations advocates and supporters. Because of our expertise in federal civil procedure, as well as civil rights law and reparations theory, Tree asked me along with Roy Brooks to consult with the Reparations Coordinating Committee to help shape the lawsuit before filing. With the outstanding legal work of Eric Miller as bedrock,⁵ Tree was indeed the “coordinator,” or, better, the “orchestrator.” I have worked on a number of civil and human rights cases, and I have never seen anyone better translate theory into practice, engage the lives of people in pain and link all this (through presentations, media essays, and scholarship) to the larger call for racial justice in America.

For an active civil rights lawyer, the litigation was challenging. For a law professor, with all the demands of teaching and faculty duties, it was extraordinary. For Tree, it was an extension of his philosophy. He has been a co-founder and board member of the national Equal Justice Society. EJS is dedicated to integrating the progressive work of legal scholars, in-the-trenches civil rights advocates, social scientists and journalists to make new theories and approaches to justice work in practice—where the struggles for better lives reside. Through my work with EJS I got to know Tree at the dynamic first EJS national conference at Harvard Law School—inspired by Eva Paterson and orchestrated by Tree. Eva and Tree coalesced scholars, advocates and students, and EJS has since taken off. Like reparations litigation, albeit in different ways, it is making a mark across the country in resisting the twenty-year dismantling of civil rights and in generating new paths for reclaiming civil rights in uncivil times.⁶

So this is how a law professor can extend beyond the walls of the academe and touch people like Otis Clark and communities struggling for justice. To walk the talk. To make our life's work matter.

In Hawai'i, where I am from, when you feel a deep appreciation for someone who shares and inspires, who makes a difference in your life and the lives of others, we have a phrase, *mahalo nui loa*. It means thanks from deep inside where it matters most. Tree, for your energy and insight, for bridging the divides, for showing the way, *mahalo nui loa*.

4. *Alexander v. Governor of Oklahoma*, No. 03-CV-133 (N.D. Okla. Feb. 28, 2003).

5. See Eric J. Miller, *Reconceiving Reparations: Multiple Strategies in the Reparations Debate*, 24 B.C. THIRD WORLD L.J. 45 (2004).

6. Eric K. Yamamoto, *Reclaiming Civil Rights in Uncivil Times*, 1 HASTINGS LAW & POVERTY J. 10 (2002).