

August 12, 2021

DEI Commission Note: The first story we are featuring is one authored by Judge Chuck Case (ret.) regarding his time in the Peace Corps. (Attached). Chuck is a longstanding Fellow in the College and a wonderful writer. He is also this year's recipient of the prestigious Founder's Award that the International Insolvency Institute (III) plans to present to him at its New York meeting in October. See <https://www.iiiglobal.org/node/2054>. Over many years, Chuck has made outstanding contributions to international insolvency law, which has included multiple teaching expeditions to a plethora of countries, many in the developing world and in war-torn regions around the globe. Chuck's DEI story is quite touching and relevant to the Commission's work as we strive, together, as Fellows to instill mindfulness regarding all aspects of diversity, equity and inclusion and to actively promote these values through the resources and endeavors of the College and Foundation.

I was born and raised in Phoenix, Arizona and grew up just west of Scottsdale, a part of the city so White that my high school class of over 500 had no African Americans, one girl of Chinese ancestry, and one Latino. I was sufficiently unworldly, and unaware, that it didn't strike me as strange that we won the 1964 state high school football championship without a single player of color.

Of course, there was not a word spoken in any class about the Tulsa Race Massacre of 1921 or the "Red Summer" of 1919 or even the KKK. I never learned in my Civics class that the filibuster was almost exclusively a tool of Southern Senators to block civil rights legislation rather than a romanticized way an idealistic junior Senator (played of course by Jimmy Stewart) could thwart the will of the privileged few. Indeed, I don't remember ever having learned that there was something called Reconstruction after the Civil War that had empowered formerly enslaved people politically and economically, until its collapse in 1877 led to Jim Crow.

As a youth, I was a great admirer of certain famous Black people, but they all wore the uniforms of one sports team or another—Jim Brown and "Big Daddy" Lipscomb of the NFL, Wilt Chamberlain and Bill Russell of the NBA. There is not one that I can remember who was known for law, medicine, science, or even politics—with the hazily recalled exception of Adam Clayton Powell who represented that foreign country called "Harlem" in the Congress of the United States.

When I left with my older brother by car for Harvard in 1965, I had never been east of Albuquerque. When I arrived in Cambridge several days later, I truly believed I had landed on another planet, feeling like I had hayseed behind my ear, bib overalls on my back, and my few belongings stuffed in a cardboard suitcase.

While at Harvard, I made a few Black friends (I must note that there were very few there to begin with) and began to experience the rumblings of the great transformation that was the 1960's. Vietnam, ROTC, the assassinations of MLK and RFK, Muhammad Ali, the rise of Black Power and the resulting White backlash, the seizure of University buildings by student protesters, the Harvard Strike of 1969—it was all happening right in front of my eyes and my world view was gradually expanding as this tumultuous time unfolded.

I had no interest in graduate school at that time and, like many of my peers, had one primary goal—avoid the draft and Vietnam. My oldest brother had served in Peace Corps in Colombia in the mid '60's so I was drawn to that path as well. I ended up in the small West Indian island of Grenada, teaching a wide variety of subjects in a secondary school for the next 2 ½ years. Peace Corps put off the draft for a year and a high draft lottery number in 1970 took care of the rest.

This experience was transformative for me, on many levels, but there is one in particular that I want to share. The demographics of Grenada are fairly simple: well over 80% of Grenadians are of African descent, another 15% or so are of primarily African heritage but mixed with other ethnic groups, and a very small percentage, perhaps 2%, are of Indian descent. Those with African and mixed heritage are descendants of enslaved people brought to the island first by the French and later primarily by the British to toil in sugar cane fields; those of Indian heritage descend from indentured servants brought from India by the British in the 19th Century. The island was originally populated by indigenous Caribs, nearly all of whom were exterminated by the European colonists in the 18th Century.

In short, once I started teaching, when I looked out over a typical class of about 40 students, I saw only people with Black or Brown faces, all of whom were clad in identical blue and white school uniforms and wearing the school tie. I don't recall seeing a White student in my 2 ½ years of teaching.

Our school was located in a former nutmeg drying warehouse overlooking the scenic Grenville Bay. As such, it was designed to be hot—and hot it was. The need for a breeze, plus a lack of funds, resulted in an open class configuration with no internal walls and ten sets of benches and desks to accommodate the ten classes of students (organized in the British way as "Forms"—Form 1A, 1B, through 5B) making up the student body of 400.

As a result, I had to yell to make myself heard over the din of the other 9 teachers doing the same thing. It was not a conducive atmosphere for teaching or learning. But, remarkably, it worked fairly well and I gradually got to know each of my students, from the best to the worst.

And therein lies the primary lesson I learned. In every class of 40 students, the classic bell curve of ability and character played out nearly perfectly. Of the 40, there were normally 6 excellent to very good students (with 1, sometimes 2,

truly exceptional), 6 poor to very poor students (some capable enough but disruptive or uninterested) and about 28 in that broad middle range—let's say those whose eventual grades ranged from B to C-. The large group was one standard deviation from the mean, the smaller ones at either end 2 standard deviations—pretty much like you'd read in the textbooks.

And the truly exceptional ones excelled regardless of their home circumstances. For example, a small and somewhat shy boy with the unforgettable name Thaddeus Stanislaus would turn in his papers with spots of wax from the candles he needed to do his work in the shanty where his family lived, always written in exquisite cursive script. Or there was Elizabeth Sylvester, an outgoing young woman with a super sharp mind who, I came to find out, was known in her family's mountain village by a completely different name—Jean St. Louis.

And soon, despite the complete lack of racial diversity in my early background (and my good fortune in not having been indoctrinated at an early age in racist ideology), the varying shades of black and brown of my students' faces melted away and I learned to see each as a complete individual, not as a member of a disfavored minority as many of us in this country are taught to do. Indeed, I realized immediately that it was I who was a member of the minority—a White person in a society wholly made up of people of color.

When Grenada underwent a political revolution a few years after I left, I learned that one of my best students became its Ambassador to the United Nations and another became the chief government spokesman. A Grenadian friend who taught at one of the primary schools became Ambassador to the Organization of American States. These were people of immense talent.

I am profoundly grateful for having had the opportunity to learn in my early 20's that people are fundamentally the same, regardless of race, gender, or other inherent characteristics. And I am equally distressed that so many of our fellow citizens not only haven't had the chance to learn these lessons but instead have internalized destructive and wholly unjustified prejudices that haunt our society to this day. Making sure that generations to come are not burdened and corrupted by these prejudices is one of the great challenges of our time.

Let's each do something positive every day toward this goal—and let us remember the words of the great Jedi master, Yoda: “Do or do not, there is no try.”