

The CLS Moment – a Reflection
Lucie White – Feb. 2, 2020

This panel is about movements that ran parallel to CLS while it flourished. When I think about this puzzling topic I can't help but to recall a story. I'm not sure it responds to our panel's question, but here goes.

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It all started just a month after Ronald Reagan had been elected President for his first term. I was a disenchanted third year student at the Harvard School, not entirely naïve about either fancy French theory or far left activism, but floundering to sort out what being a lawyer, even at its most edgy, had to do with either.

My partner Craig and I were driving along Jamaica Plain's Washington Street, parallel to Boston's Orange Line, from Harvard Law School's brand-new Legal Services Institute, where we were both clinical interns, back to Cambridge, where we both lived. Craig was an urban planning student at MIT while I was one of three Harvard 3Ls studying with seven Northeastern Law School colleagues at the LSI. It was the evening of December 8, 1980, and we were counting the days until the fall term would be over. We had just tuned in to a random easy rock station to calm our frayed nerves when the DJ reported that John Lennon had been shot dead in front of his Manhattan residence. Those were the times.

Even before Lennon had died like that, my nerves had reason to feel strung out. For Craig and I had just left a raucous tenants' meeting at the Forest Hills Apartment Complex, where we had been assigned to work. The US Department of Housing had funded Forest Hills through a Nixon-era low-income housing program that gave lucrative deals to for-profit partnerships in return for big tax savings. With all that profit getting creamed off and

the tenants having little income to use for rent, the numbers couldn't work in the program. So these projects would inevitably go belly up and be foreclosed. Speculators would then move in, buy the buildings at auction dirt-cheap, evict all the tenants, and then renovate or demolish the building to clear ground for high-income yuppie "pioneers".

The Forest Hills tenants weren't willing to take this injustice lying down. Instead the bold ones came up with the idea of pooling their meagre resources so as to buy the property home from the US Housing Department and turn it into a co-op. The prudent retorted that a co-op wouldn't be fiscally feasible over the long run. At the December 8 meeting, the group, strained by this tension, erupted. As Craig and I did our naïve best to ease their anger it only escalated. But fortunately they didn't direct it toward one another. Instead, they turned on the project's clueless manager, who sat dutifully on a folding chair in the back of the room and went by the all too appropriate name of Lorenzo Pitts.

Forest Hills was a plum LSI assignment. Craig and I received it only because he was our one Urban Planning student and our teachers had matched us up as a team. Neither of us had any idea of what we were doing since we'd hardly heard of either HUD, these rip-off limited partnership housing finance programs, or the foreclosure crisis in Jamaica Plain's gentrifying neighborhoods. Yet the radical pedagogy of Harvard Law School Professor Gary Bellow – the former Cesar Chavez lawyer who founded the Legal Services Institute – was to throw novice students into the maelstrom so they could teach themselves to swim.

And swim we had to do. But at least we had a coach, even if he hadn't done much of this kind of swimming himself. He was a young, tall, and ultra-confident professor from Harvard Law School. He had gained his reputation early, as the whiz-kid who could spin creative loops around stodgy private law doctrine. More recently he had teamed up with

fellow travelers to launch a “movement” of left-leaning law professors, mostly male, rhetorically well-endowed, and white which they named Critical Legal Studies. In the 1980-1981 year though, which CLS was just taking off, this smart young professor chose to be a full-time staff member at the Legal Services Institute. His job was to teach us a seminar on “theory” to jazz up what we were doing in our community organizing, street-level bureaucracy, and poverty law, classes. Meanwhile he was also supervising a few floundering students in our clinical cases. He was a backup to Craig and me because he knew about contracts and torts and property, in theory at least, and Gary thought those subjects might have some relevance to the tenants’ deal-making at Forest Hills. The only problem, though, was that our erstwhile supervisor wasn’t “really” a lawyer at all, because he’d never taken the bar. Yet even so, he could “map” just about everything about Forest Hills you’d ever want to know – the psyches of both the HUD regional director and Lorenzo Pitts, the political economy of Jamaica Plain’s rapidly gentrifying enclaves, the best strategies for mobilizing social movement power, just to name a few. And what’s more, he proved to be a really good guy. But for all that, Kennedy couldn’t help very much when a tenant was about to be evicted and simply needed a certified lawyer to accompany her to court.

In retrospect that year at LSI was the high-water mark in my entire education. It brought together two strands of political movement from the 1970s through 1990s like a double helix — the critical legal studies movement on the one hand, and the radical poverty law/clinical legal education movement on the other. Most of us who were caught up in this theory/practice helix, and there were but few, had entered into that doubled movement in unorthodox ways. I came into it as a drop-out from grad school in fancy lit theory, re-

tooled through a stint of pseudo-Maoist organizing and an enduring flirtation with Gramscian methods of popular education picked up from teaching basic English to refugees from the Central American wars. Most of my friends in the theory/practice movement had past lives in high theory and far leftism in their closets as well.

But however we got there, all of us had found the law school experience – from the intentional shaming in the classroom to the stark-white demographic to the cinderblock version of doctrine – to be vexing, if not downright infuriating. Thus, Duncan Kennedy's *Manifesto* on legal education – his little red book – provided our pedagogical rallying cry. Gary Bellow's vision of using individual eviction cases to build the people's power galvanized our political passion. And opportunities like Harvard's new Legal Services year-long immersion program kept us from dropping out of school.

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When I think about the “parallel movement” in which I took part, I might say several things. It was a critical legal pedagogy movement. Or a critical clinical legal education movement. Or a critical law and organizing movement. Or an effort to break through the theory/practice wall in down-to-earth ways. Those efforts have floundered for sure since Reagan's election started the Republican Party on a downward spiral that is taking the entire nation with it. Thus, excessive nostalgia surely isn't in order. Yet, ironically the “parallel movement” I've been speaking of is now re-emerging in a more diverse, robust, and imaginative way than it ever was some forty years before.