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Ralph Ellison as Oral Storyteller Ralph Ellison and the Law: Invisible Man and Other Ellison Texts

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RALPH ELLISON AS ORAL STORYTELLER

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INTRODUCTION

This article focuses on Ralph Ellison's use of storytelling in his writings. I find Ellison to be a master storyteller in the writings that compose his life's work.[1] Certainly, his novels, *Invisible Man*[2] and the posthumously published *Juneteenth*,[3] are carried by storytelling narrators. Most of his essays are alliterated with stories—some of his own design, others from history or other literary works.[4] Ellison also wrote short stories, which are collected in the volume *Flying Home and Other Stories*, masterfully edited by Professor John F. Callahan.[5] These short stories validate his ability to tell a good story, and they provide the impetus for this

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1. Professor John F. Callahan, in his essay, *Democracy and the Pursuit of Narrative*, 18 [No. 3] THE CARLETON MISCELLANY 51 (1980), stresses Ellison's understanding that the narrative form of writing involves the writer establishing a rhetorical relationship with the reader. This relationship is the heart of storytelling as Callahan observes:

> As with so much of his work, Ellison's originality is radical in the familiar sense of going back to essentials, in this case the root meaning of narrative. It comes from the word, *narrare*, to make known and to do so in the form of a story. So there is something of a distinction between narrative and story; in its stress on the act of storytelling, and the consequence of telling one's story on identity, narrative is a complicating form.

Id. at 64.

2. RALPH ELLISON, INVISIBLE MAN (2d Vintage Int'l ed. 1995).

3. RALPH ELLISON, JUNETEENTH (John F. Callahan ed., 1999).

4. RALPH ELLISON, THE COLLECTED ESSAYS OF RALPH ELLISON (John F. Callahan ed., 1995) [hereinafter COLLECTED ESSAYS].

5. RALPH ELLISON, FLYING HOME AND OTHER STORIES (John F. Callahan ed., 1996).

article.[6] His short stories are multilayered commentaries on social problems. Moreover, the stories offer insights and lessons on how our current problems are born from past social struggles.[7] Through his storytelling, he reminds us of what our stated values are as a democratic, constitutional society and how we have not always lived up to those values.[8]

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6. I met Ralph Ellison when I was an undergraduate Afro-American Studies major at Harvard University. He was participating in a symposium on Alain Locke on December 1, 1973. *See* RALPH ELLISON, *Alain Locke*, *in* COLLECTED ESSAYS, *supra* note 4, at 439. Other than being introduced to him and exchanging pleasantries, I did not have a conversation with Ellison, much to my present regret of missing such an opportunity. Nor do I remember the essence of his presentation that day. What I do remember is the quiet stateliness of his presence. In an age of Afro hairstyles, African print dashikies, and over-hyped rhetoric about Black Power, Ellison was smartly dressed and stated his ideas with simple assurance. I do remember that his remarks got me to thinking about the black aesthetic and about my own identity and intellectual purpose. His printed remarks recall that impression and in part explain my interest in the art of storytelling:

> What I am suggesting is that when you go back you do not find a pure stream; after all, Louis Armstrong, growing up in New Orleans, was taught to play a rather strict type of military music before he found his jazz and blues voice. Talk about cultural pluralism! It's the air we breathe; it's the ground we stand on. *It's what we have to come to grips with as we discover who we are and what we want to add to the ongoing definition of the American experience.*

Id. at 443 (emphasis added).

7. Albert Murray recounts in the preface to TRADING TWELVES: THE SELECTED LETTERS OF RALPH ELLISON AND ALBERT MURRAY (Albert Murray & John Callahan eds., 2000), how Ralph Ellison's short story, *Flying Home*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 147, tells about a Tuskegee Airman who crashed his plane after striking a buzzard. Murray explained to Ellison that a similar incident actually happened on the airbase where Murray was training. Murray then shares with us Ellison's sense of the timelessness of good stories:

> He was delighted by the coincidence of the buzzard in "Flying Home," but he was certainly not amazed, because he then reminded me playfully that "stories endure not only from generation to generation but also from age to age because literary truth amounts to prophecy. *Telling is not only a matter of retelling but also of foretelling.*"

TRADING TWELVES, *supra*, at xxiii (emphasis added).

8. Professor John Callahan reminds us that the focus on democratic ideals and values is the major theme that runs through Ellison's work. *See* John F. Callahan, *Introduction* to FLYING HOME AND OTHER STORIES, *supra* note 5, at ix, xxxviii. The democratic ideal based on the United States Constitution is discussed in greater detail below.

Recently, I have become interested in the art of storytelling as a method of orally transmitting historical, moral lessons in a contemporary context.[9] Oral storytelling is close kin to the law and literature movement, which focuses on the wonderful stories found in the written word. The stories examined in law and literature offer up stunning jewels of reflective insight. The dry texts of statute, regulations, and cases only hint at the human drama which birthed the need for a society ordered by law.[10] The passionate exposition of our literature captures, through symbols and images, the context of the human drama that calls a legal system into being. It is through these stories that we step back and see ourselves, our communities, and most significantly, the power and majesty and terror of the law and the legal system.[11]

Another aspect of this movement impels us to write our own stories, our own narratives.[12] Some of these stories, often wrapped around a study of the law, are true, personal stories, and others are fictionalized accounts of our own reality grounded in the law.[13] The writers of personal narratives openly tell us stories, usually stories about racial justice and injustice, expressing their thoughts on personal experiences and the lessons they draw from these

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9. In recent years I have attended conferences and workshops on storytelling. I have told stories in my classroom and in various venues around Tuscaloosa, Alabama. I am a member of the National Storytelling Network and the National Association of Black Storytellers.

10. See Daniel M. Filler, *Making the Case for Megan's Law: A Study in Legislative Rhetoric*, 76 IND. L.J. 315 (2001), for a discussion of how the tragic drama of the rape and murder of a seven-year-old girl led to the national acceptance of sex offender registration and community notification laws to alert a community when a sex offender has been released from jail and will be living there.

11. For an extended discussion of stories impacting the legal system, see JON-CHRISTIAN SUGGS, WHISPERED CONSOLATIONS: LAW AND NARRATIVE IN AFRICAN AMERICAN LIFE (2000).

12. See Carrie Menkel-Meadow, *Telling Stories in School: Using Case Studies and Stories to Teach Legal Ethics*, 69 FORDHAM L. REV. 787 (2000), for an extended discussion and references on the law and literature movement and on the use of personal narratives. *See also* NARRATIVE AND THE LEGAL DISCOURSE: A READER IN STORYTELLING AND THE LAW (David Ray Papke ed., 1991) [hereinafter NARRATIVE AND THE LEGAL DISCOURSE].

13. The acknowledged leaders in the genre have been Derrick Bell, with *Faces at the Bottom of the Well: The Permanence of Racism* (1992) and *And We Are Not Saved: The Elusive Quest for Racial Justice* (1987), and Patricia Williams with *The Alchemy of Race and Rights* (1991), and *The Rooster's Egg* (1995).

experiences.[14] By this expression we, the readers, also come to know ourselves better, and at a much deeper level. By seeing and understanding the life stories of others, we understand better what motivates us. We see the law and how it shapes and impacts our daily lives. In our reading of these personal narratives we draw a clearer vision of our own personal search for what is unique about ourselves.[15] However, the ultimate goal is to uncover what is universal, what is accessible to others in a way that allows them to walk around in our shoes.[16] The law and literature movement offers this to us.

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14. *See* Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, *in* NARRATIVE AND THE LEGAL DISCOURSE, *supra* note 12, at 289.

15. In her book, *Notes of a White Black Woman: Race, Color, Community*, Professor Judy Scales-Trent considers race from the perspective of a black woman with skin so fair that she is often mistaken for a white person. Her reflections about herself caused her to explore the concept of race:

> In these essays, I take my place in the debate on racial matters in America by moving the discussion back a step, to talk about the creation of "race" itself. What do we mean by "race" in this country? How is "race" created? . . . What is the law of racial purity that America uses to create and maintain racial identity? And how does it work? I address these questions by showing the operation of America's racial purity law on my life—that is, on the life of one American.

JUDY SCALES-TRENT, NOTES OF A WHITE BLACK WOMAN: RACE, COLOR, COMMUNITY 2 (1995).

16. Professor Bryan K. Fair pens his book with the specific purpose of sharing his own personal story as a springboard for considering the myth of color blindness and the continued usefulness of remedial affirmative action. In allowing us to peer into his personal story, we can see how universal it is and how we might be encouraged to move America toward its constitutional ideals. He writes:

> If my narrative can be generalized—as I believe it can be—the color blindness myth is harmful, as it permits Americans to continue to live as if they were in a fairy tale. It allows us to act as if our history never happened. It absolves us of any responsibility for racial caste, and it permits us to pretend that modern remedial affirmative action is the same as past policies promoting white supremacy.
>
> . . . .
>
> This book is intended to promote racial understanding, to describe how we come to such a horrible racial predicament in America, and to suggest how we can move beyond it.

BRYAN K. FAIR, NOTES OF A RACIAL CASTE BABY: COLOR BLINDNESS AND THE END OF AFFIRMATIVE ACTION 64 (1997).

Clearly, Ralph Ellison's *Invisible Man* moves us thus and at so many different levels.[17] It is personal and yet universal. The novel depicts one individual's struggle against the odds of life and against naked racism. The poignant odyssey of the novel's narrator tracks our society's struggle with what W.E.B. DuBois called "the problem of the color line."[18] At the same time, the struggle also emphasizes how within one's own social group lie the seeds of abuse of power. It is the power used by the elite—both black and white—to maintain control of the status quo and of the direction of our society which leads to consolidation of power and resources. Up against this is the struggle of the hero against himself. It is a stunning rendition of what happens to a nation, its communities, and its citizens when influenced and directed by a legal system designed to exploit a social hierarchy based on power and class.[19]

This article proceeds from the notion that the law and literature movement can properly entail the oral rendition of our collected narratives.[20] I am particularly intrigued by stories based on law and how lawyers and law teachers use storytelling to explain the law.[21] Lawyers are

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17. For a comprehensive study of this work, see JOHN F. CALLAHAN, ELLISON'S INVISIBLE MAN (2001).

18. W.E.B. DUBOIS, THE SOULS OF BLACK FOLK, at xi (Signet Classic 1969) (1903).

19. See 28 [No. 3] THE CARLETON MISCELLANY (1980), for an excellent collection of essays and commentaries on the life and work of Ralph Ellison presented at the Ralph Ellison Festival at Brown University, September 19-21, 1979, and organized by Poet and Professor Michael Harper.

20. Professor Thomas Shaffer taught Professional Responsibility focusing on the stories of lawyers which appear in real life and in literature. See the textbook based on this approach, THOMAS L. SHAFFER, AMERICAN LEGAL ETHICS: TEXT, READINGS, AND DISCUSSION TOPICS (1985). The storytelling method that he utilized in lecture and in writing is best exemplified in his essay, *The Moral Theology of Atticus Finch*, 42 U. PITT. L. REV. 181 (1981). In that essay he studied the life of Atticus Finch as portrayed in Harper Lee's novel, *To Kill a Mockingbird*. A creative approach to using the oral tradition in storytelling is found in Rob Atkinson's *Br'er Rabbit Professionalism: A Homily on Moral Heroes and Lawyerly Mores*, 27 FLA. ST. U. L. REV. 137 (1999). Professor Atkinson uses the tale of Br'er Rabbit and the Tar Baby as a medium for discussing lawyer professionalism. *See also* MIKE PAPANTONIO, RESURRECTING AESOP: FABLES LAWYERS SHOULD REMEMBER (2000).

21. *See* Roger C. Cramton & Susan P. Koniak, *Rule, Story, and Commitment in the Teaching of Legal Ethics*, 38 WM. & MARY L. REV. 145 (1996).

> "Stories" provide the context and detail essential to understanding and applying legal rules. One cannot determine the meaning of rules or the priority among rules that conflict until stories put flesh on the bare bones of those rules. Stories that provide metaphors for lawyering, such as the lawyer as the

natural storytellers, and this is particularly true of trial lawyers when explaining their cases to juries.[22] Through the use of storytelling, lawyers convey the clients' cases when we argue to a jury or negotiate transactions.[23] Furthermore, I believe that lawyers can enhance their ability to represent clients in all settings by being able to listen to the stories that clients tell and to transmit those stories in a way which captures the underlying messages and desires that the clients seek to express.[24] Our

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> champion of individuals who face state or private oppression, are part of the professional personae of all American lawyers. Stories of lawyer-heroes feature in the imagination of all lawyers and figure prominently in the teaching method employed by some.

Id. at 177 (footnotes omitted).

22. *See* James W. McElhaney, *Just Tell the Story: Organize Your Case to Show There Is a Wrong to Be Righted*, 85 A.B.A. J. 68 (Oct. 1999); Dana K. Cole, *Psychodrama and the Training of Trial Lawyers: Finding the Story*, 21 N. ILL. U. L. REV. 1 (2001).

23. McElhaney makes the following observations about lawyers' need for understanding the power of story:

> The story is the tool that people have used since before recorded history to grapple with events and try to understand their meaning.
>
> It is the story that has shaped our sense of cause and effect. It is the story that has formed our concepts of relevance and plausibility, even right and wrong.
>
> Without a story, even the best case is little more than a bundle of unconnected facts that have lost their significance for want of a glue that could make them stick together.

Id.

24. Thomas L. Shaffer and James R. Elkins explore the role of storytelling in lawyers' work in their essay, *Solving Problems and Telling Stories*, *in* NARRATIVE AND THE LEGAL DISCOURSE, *supra* note 12, at 90. In describing the centrality of storytelling in lawyers' work they recognize the power of story:

> When we see our own stories, and hear the account of the client as a story, there is a sense of human worth and value in the struggle to give meaning to what has happened and what will happen. We do not see the objects of our service as persons until we hear the story being told, until we realize the story that we live out in our work and in our interactions with our clients.
>
> Stories reflect a fundamental human need for narrative, for the kind of telling that gets beyond routine and standard descriptions of our work and our relations with others. The daily doing that otherwise dries us out is given new meaning and purpose in the plots of our stories. We find our who we are as lawyers and persons (as persons who are lawyers) by the story we tell, by the conversation that we have with clients and other lawyers in court and on the street corner. Our stories about being lawyers, shaped by the way we imagine

advocacy is grounded in telling the story of the law, its history, its meanings, and its truths and values.[25]

This article, although presented as text, considers Ellison as providing inspirational material for oral storytelling. In his dedication at the Ralph Ellison Festival at Brown University in September, 1979, poet and professor Michael S. Harper observed that Ellison was a "frontiersman, folklorist, comic storyteller, musicologist, photographer, sculptor, novelist, cultural essayist, and trustee of American constitutionalism."[26] Each of these characterizations provides a different medium for telling a story. They represent Ellison's grasp of our cultural and social history, his keen insights about the present, and his prescriptions for building a future where human dignity is honored. Moreover, by identifying Ellison as a folklorist, Harper is recognizing Ellison's deep knowledge of folklore, especially the oral tradition of the African-American community. Ellison borrows from this tradition, as we shall see in our discussion of his short stories. Further, Harper recognizes that Ellison's "narrative techniques meld vernacular and classical modes with elegance, conscientiousness, and healing power."[27]

> ourselves and our clients, are central to the way . . . our lives unfold and interact.

Id. at 100-01.

25. Professor Zanita E. Fenton in her article, *Mirrored Silence: Reflections on Judicial Complicity in Private Violence*, 78 OR. L. REV. 995 (1999), argues that storytelling can advance our understanding of domestic violence and hasten the day when we can fully protect women from such violence. Arguing that, in their opinions, judges can advance this cause, she reasons:

> The ultimate goal of activists, no matter how radical their agendas may be perceived at inception, is to effectuate change in mainstream, normative understandings. Activists ultimately want their stories to be told in the legislatures, the judiciary, and to become central to the understandings underlying media representations. Activists' efforts are only one piece in the chain of justice. Their efforts are aimed at all actors in the chain, including the victim, the batterer, the community, the police, the prosecutor, advocates and the judiciary. Within this chain, activists are not the only ones who can tell stories to effectuate change.
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> Judicial story telling can play a major role in effectuating change. . . . What judges write changes the tenor of the dialogue and the actions of all other actors in society, bringing these issues to the "public."

Id. at 1043-44 (footnotes omitted).

26. Michael S. Harper, *Dedication: Ralph Waldo Ellison*, 18 [No. 3] THE CARLETON MISCELLANY 8 (1980).

27. *Id.*

This, I would suggest, is the heart of oral storytelling.

What do we mean when we say "oral storytelling"? Storyteller Carol Birch compares storytelling to playing music in that the written score in music comes alive when interpreted and played by a musician. Similarly, written tales come alive when told. As Birch explains this process, "[S]tories take on an added dimension when shared aurally among people. As notes are played, as words are spoken, they are transformed, adapted, and interpreted."[28] The art of storytelling as an auditory medium to convey stories opens a new world within our senses.[29] For me, it is a magical moment where our hold on our reality lets go of our mind and we can use our imagination. Storyteller Laura Simms suggests that opening our imaginations is the core of storytelling. She explains in a statement worth full consideration:

> The experience of being swept into the ritual of ongoing story teaches us that the ground of the visible world is the invisible world out of which it arises.
>
> As the characters in the fairy tale cross thresholds into other realms, we listeners are drawn inward past the boundaries of our logical minds into vast space and communal presence. The words beguile our minds with profuse detail as our imaginations recreate the story. The habitual patterns of thinking that usually patrol the borders of this familiar world are engaged, and thus the door falls open inward—we feel the ever-present timeless space of mind that has always existed beneath consciousness.
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> The teller frees us to *dream awake*.[30]

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28. CAROL L. BIRCH, THE WHOLE STORY HANDBOOK: USING IMAGERY TO COMPLETE THE STORY EXPERIENCE 9 (2000).

29. Birch maintains that storytelling is akin to the act of lively, enriching conversation among and between people, which depends on tapping the intellect and the imagination:

> The intellect acquires and stores data and information; the imagination stores and accesses sensations, feelings, dreams, projections, and memories. Our five senses—taste, touch, sound, sight, and smell—continually register and sort sense impressions of places, family members, friends, even strangers. . . . Sense impressions jointly form and reveal attitudes. The ability to illuminate sense impressions of people and places found in stories is essential to the art of storytelling.

Id. at 11.

30. Laura Simms, *Crossing into the Invisible: How the Storyteller Guides Us into an Unseen Realm*, 25 [No. 1] PARABOLA 62 (2000) (emphasis added).

Within our imagination is the source of our energy and creativity and our basis for seeing our world with a fresh vision.[31]

Storytelling is immediate; it happens in the oral words of the storyteller as they are received by the listener. The words create a connection between the storyteller and the listener. Rafe Martin describes this as a process where "[t]he teller works with the imaginative, creative powers of the listeners' minds. And the two sets of skills—of the teller and of the listener—must mesh for a told story to finally 'work.'"[32] The storyteller puts the story out there in the space between the teller and listener and literally gives the story away, to be experienced by the listener as he or she receives it.[33] There is a physicality in this moment where we feel the story as a lived experience. Simms remarks, "The most powerful stories (those

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31. Seeing the world anew is an important skill in navigating through the world and life's unanticipated adventures. In JANE YOLEN, TOUCH MAGIC: FANTASY, FAERIE & FOLKLORE IN THE LITERATURE OF CHILDHOOD (exp. ed. 2000), Yolen examines how the telling of folktales to children is essential to their growth and development. She observes:

> One of the basic functions of myth and folk literature is to provide a landscape of allusion. With the first story a child hears, he or she takes a step toward perceiving a new environment, one that is filled with quests and questers, fated heroes and fetid monsters, intrepid heroines and trepid helpers, even incompetent oafs who achieve competence and wholeness by going out and trying. As the child hears more stories and tales that are linked in both obvious and subtle ways, that landscape is broadened and deepened, and becomes more fully populated with memorable characters. These are the same folk that the child will meet again and again, threading their archetypal ways throughout the cultural history of our planet.

Id. at 15.

32. Rafe Martin, *Between Teller and Listener: The Reciprocity of Storytelling*, *in* WHO SAYS?: ESSAYS ON PIVOTAL ISSUES IN CONTEMPORARY STORYTELLING 141, 143 (Carol L. Birch & Melissa A. Heckler eds., 1996).

33. In DOUG LIPMAN, IMPROVING YOUR STORYTELLING: BEYOND THE BASICS FOR ALL WHO TELL STORIES IN WORK OR PLAY (1999), Lipman explains that there is a triangular relationship between the storyteller, the story, and the audience. *Id.* at 17. Thus the story is a thing unto itself that gets carried to the listener in a process that happens as follows:

> What actually takes place when a story is told? In the broadest sense, there is a transfer of imagery. Before the story is told, you—the storyteller—have mental images of the story. You see, hear, or feel the events of the story you are about to tell. After the story is told, the listeners have created their own mental images of the story. They see, hear, or feel the events of the story, too—but not necessarily in exactly the same way you did.

Id. at 19.

that are told with knowledge and experience informing the storyteller) are capable of engendering a visceral, imaginative, psychological, and intuitive response during the telling."[34] The story becomes part of our bones, our sinews, and our blood—part of our heart and soul.[35]

The first section of this article will draw from Ellison's work focusing on lessons which illuminate the power and processes of storytelling. Of particular interest will be Ellison's belief that the story of America in general, and of African Americans in particular, can be told by studying the ideals and values articulated in our nation's founding documents, the United States Constitution and the Declaration of Independence. We will consider, as Ellison does, how our national story and our personal stories continue to be shaped by the story of our democratic nascency.

The second section of this article will critique the short stories written by Ellison with an ear toward "hearing" the universality of the experiences presented therein. The section will explore how the stories hold up a mirror for us to better understand our American selves, and how they vividly depict a portion of the African-American experience grounded in our national organic documents and colored by the racism that often became a violent force in the American saga. And finally, the section considers how the telling of these stories may inspire us in our pursuit of the American vision of democracy: individual freedom, equality, and human dignity.

The article concludes with a reflection on how Ellison's stories give us a perspective from which to pursue justice and attack social issues which mire our society in a past shaped by race and class and infidelity to our democratic ideals. For this author, that is the essence of a lawyer's work.

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34. Laura Simms, *Through the Story's Terror*, 23 [No. 3] PARABOLA 46 (1998).
35. Simms describes the sense of story becoming part of our physical being:

> The storytelling is potent because it is physical experience. The whole person is engaged in the making of meaning and story. Mind, body, and heart are synchronized and activated. The embodied listener is alert, with senses heightened, and naturally creates image and meaning from association, feeling, memory, dream, and a ceaseless source of archetypal symbol within. It is this holistic activity of listening, not the conceptual content of the text or plot alone, where true learning takes place. During the event, the inherent and natural wisdom of ear, eye, and heart are given voice.

Id. at 47.

I. THE ELLISON PERSPECTIVE

No one explains the interrelationship of law and literature better than Ellison in his essay, *Perspective of Literature*.[36] His perceptive statement about why we need literature as a way to understand, critique, and criticize the law is profound. It forms the starting point for the examination of Ellison as oral storyteller. Within *Perspective of Literature* Ellison shares with us his personal stories about growing up in segregated Oklahoma City.[37] Laid beside these personal vignettes are stories from Mark Twain's *Huckleberry Finn* and *Pudd'nhead Wilson* and Herman Melville's *Bartleby the Scrivener*.[38] Out of the social and cultural context of these stories, Ellison paints a vivid picture of the United States of America being created through a revolutionary zeal based on democratic and egalitarian ideals.[39] He points to the Bill of Rights and the U.S. Constitution as the organic law which binds us together as a nation.[40] Ellison explains:

> I look upon the Constitution as the still-vital convenant by which Americans of diverse backgrounds, religions, races, and interests are bound. They are bound by the principles with which it inspirits us no less than by the legal apparatus that identifies us as a single American people. *The Constitution is a script by which we seek to act out the drama of democracy and the stage upon which we enact our roles*.[41]

What is striking about Ellison's point is that the Constitution is a script and the American experience is a continuing drama interwoven in the very text of the script. To understand the Constitution and the American experience we must know and hear and feel the stories of America. For Ellison's part, he offers the stories of the African-American experience.

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36. RALPH ELLISON, *Perspective of Literature*, *in* GOING TO THE TERRITORY 321-38 (1986) [hereinafter ELLISON, *Perspective of Literature*].
37. *Id.* at 321-24.
38. *Id.* at 326-28.
39. *Id.* at 330.
40. *Id.*
41. *Id.* (emphasis added).

These stories tell of the roles that race[42] and social hierarchy[43] play in the constitutional drama. Ultimately, for Ellison, it is our understanding of race and hierarchy through our shared stories that will inspire each generation of Americans to continue to push for the achievement of our cherished American ideals of democracy, liberty, and equality.

Ellison's analysis in *Perspective of Literature* models some of the methodologies and processes that oral storytellers attend when practicing their craft. In exploring the methodologies and processes of oral storytellers the discussion in this article will of necessity be rather limited. As I am a novice storyteller, what follows is perhaps the bare basics of beginning oral storytelling, but is nevertheless offered to present a sense of how storytellers work.[44] First, as an oral storyteller, I find that Ellison's essay presents some insight on the reasoning storytellers use in choosing and preparing stories to tell. Second, Ellison highlights how the storyteller would use images and symbols to accomplish the storytelling task. Third, he identifies the role the storyteller has in our society. And finally, Ellison's essay places storytelling in the larger context of the law and literature movement's role in describing who we are as a people and how we confront our realities and our myths. For me, Ellison's discussion of this larger role parallels the reasons oral storytellers practice their art. We will consider these storytelling processes in turn.

A. Choosing a Story to Tell

Stories are chosen because they speak first to the teller, and they do so because they hold fundamental truths about life and the human condition. The teller is moved to share these truths with listeners because truths possess intrinsic values which may also speak to and resonate with the listener. The stories will work best as transmitters of truth and values if they have a universality which transcends time, space, and cultural differences.

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42. *Id.* at 331-32.

43. Ellison uses the term "social hierarchy" as a symbol of how constitutional rights would be divided in the new democracy. He says: "As a new hierarchy began to function, those at its top were in better position to take advantage of the new-found benefits, while those at the bottom were hardly better off than they had been under the Crown." *Id.* at 381.

44. A more comprehensive examination of the world of storytelling is beyond the scope of this work.

These truths and values are wrapped around the stories' characters as they act out the storyline.[45]

The characters are central to choosing a story.[46] The characters, whether fictional or taken from real life, have vivid personalities and have, in big and small ways, dramatically experienced events and circumstances unique to the human condition. There is a magical power in their experience which calls us to notice and honor them by recounting their stories.[47] The storyline, of which we will speak more shortly, is moved by the characters through which the storyteller speaks. The character can be a hero/heroine; major or minor; or wise guide or trickster.[48] Each character has a unique

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45. Heather Forest, in her book, *Wisdom Tales from Around the World*, explains the utility of telling stories:

> A story can be a powerful teaching tool. In folktales told far and wide, characters may gain wisdom by observing a good example or by bumbling through their own folly. A story's plot may inspire listeners to reflect on personal actions, decision making, or behavior. An entertaining story can gently enter the interior world of a listener. Over time, a tale can take root, like a seed rich with information, and blossom into new awareness and understanding. By metaphorically, or indirectly, offering constructive strategies for living, ancient wisdom tales resonate with universal appeal, even though their plots may have originated in a faraway time and place.

HEATHER FOREST, *Introduction* to WISDOM TALES FROM AROUND THE WORLD 9 (1996).

46. For a discussion of the importance of understanding characters and their roles in story, see BIRCH, *supra* note 28, at 37-70.

47. *See generally* YOLEN, *supra* note 31.

48. Stories come in different motifs, and the lessons from the stories are presented by and through different characters. The trickster is a character common to many cultures, as explained by Virginia Hamilton in her book, VIRGINIA HAMILTON, A RING OF TRICKSTERS: ANIMAL TALES FROM AMERICA, THE WEST INDIES, AND AFRICA (1997):

> *A Ring of Tricksters* takes us to the time when animals stood tall and walked and talked. It is the story time of those well-known practical jokesters in folklore literature who take advantage of others by playing tricks on them. They are the animal trickers, also know as tricksters. Bruh Rabbit and Anansi, the spider, are the best known of these culture heroes. With other tricksters—Turtle, Lizard, and Wren, for example—they play a variety of roles in folktales from America to Africa. Usually weaker and smaller than most other animals, the animal tricksters are gifted with the power of cunning and, sometimes, magic.

Id. at 9. In the Native American traditions, the trickster is often portrayed as a coyote. *See* AMERICAN INDIAN MYTHS AND LEGENDS (Richard Erdoes & Alfonso Ortiz eds., 1984). The trickster can also take human form, as Zora Neale Hurston describes:

and specific role to play in moving the story forward. Even if there is only one character, he or she might play multiple roles. Often, meeting a character in a story is like meeting yourself in a whole new world.[49]

At the beginning of *Perspective of Literature*, Ellison's personal story recounts individuals who had an influence in his life.[50] For example, Mr. J.D. Randolph served as a custodian in the Oklahoma State Law Library and knew more about the law then most of the legislators, yet Mr. Randolph could not participate as a full citizen in the segregated government of Oklahoma in the first half of the twentieth century. And then there was Mr. Harrison, a black man who did practice law in Oklahoma until he was forced to flee the state and practice elsewhere. And finally, Ellison brings forth Mr. Roscoe Dunjee, the editor of the local black newspaper, *The Black Dispatch*, who writes stirring commentaries about the Constitution.[51]

> High John de Conquer came to be a man, and a mighty man at that. But he was not a natural man in the beginning. First off, he was a whisper, a will to hope, a wish to find something worthy of laughter and song. Then the whisper put on flesh. His footsteps sounded across the world in a low but musical rhythm as if the world he walked on was a singing-drum. Black people had an irresistible impulse to laugh. High John de Conquer was a man in full, and had come to live and work on the plantations, and all the slave folks knew him in the flesh.

ZORA NEALE HURSTON, THE SANCTIFIED CHURCH 69 (1981).

49. I was never a hobo, but I could just see myself riding along with Ellison's train bums in his short stories (discussed below) as they travel to different places looking for work. I share and feel the hope and the despair as they search out opportunities and pursue their vision of the American Dream. Laura Simms explains how we come to identify with the characters of the story:

> The secret of the power of story is the essential realization that what happens to the character in the story is not important. What is of value is what happens to us who listen. In truth, the character does not exist except in our own invention of him or her. We have manifested all the characters, even the landscape, from within, just as a disciple embodies the energy of a deity and landscape within themselves during practice and prayer; or the masked sacred dancer calls for the spirits of the gods and demons and brings them to our world to be seen, felt, feared, and loved.

Simms, *supra* note 34, at 49-50.

50. ELLISON, *Perspective of Literature*, *supra* note 36, at 321-24.

51. Ellison was influenced by Roscoe Dunjee's understanding of the power possessed within our organic documents and that within them the keys to social progress lay. Dunjee's writings and leadership always called us back to these documents, as Ellison notes in an essay entitled, *Roscoe Dunjee and the American Lanuage*, *in* COLLECTED ESSAYS, *supra* note 4, at 449:

For Ellison, as he later observes in his essay, these characters represented the tension between the constitutional ideal and American reality. The ideal, of course, is expressed as establishing a nation where democracy, freedom, and equality are the birthright of every individual. The reality is that certain peoples were disqualified from full participation in affairs of the nation solely on account of race and a social hierarchy which was defined by class and property ownership.[52] Not to oversimplify a complex matter, but the tension is best exemplified by the Constitution's accommodation of racial slavery in contradiction to the basic principles of democratic equality and freedom. As Ellison observes: "Thus the new edenic political scene incorporated a flaw similar to the crack that appeared in the Liberty Bell and embodied a serpentlike malignancy that would tempt government and individual alike to a constantly recurring fall from democratic innocence."[53] The Oklahoma characters presented by Ellison's text are part of a story within the larger story of the American experience as informed by the U.S. Constitution and the Declaration of Independence.[54] The stunning achievements of these men of color in a system of oppressive racism is testament to the central role they played in expressing the truths and values in our organic documents.[55] Their triumph and hope in the face of overwhelming odds forms the ground upon which Ellison calls forth our

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> The standard against which the ideal and the reality were tested was always the Constitution, the Bill of Rights and the Declaration of Independence. In those documents is a great moral force, and Roscoe Dunjee understood this when it seemed least believable and most undeserving of attention. Somehow this little bandy-legged, hawk-nosed, brilliant, luminous man understood that the American covenant was not to be thrown away; that here, with intelligence and passion, was the secret, the play within the play which would catch the conscience of kings.

Id. at 454.

52. ELLISON, *Perspective of Literature*, *supra* note 36, at 331.

53. *Id.* at 332.

54. *Id.* at 330.

55. Ellison identifies the role these characters play as follows:

> As symbol of guilt and redemption, the Negro entered the deepest recesses of the American psyche and became crucially involved in its consciousness, subconsciousness, and conscience. He became keeper of the nation's sense of democratic achievement, and the human scale by which would be measured its painfully slow advance toward true equality.

Id. at 335.

national story. That story is a story of aspirations for an egalitarian society—and of tragedy for failure to meet those aspirations.[56]

We choose a story, or a story may well choose us, because the storyline holds a particular fascination.[57] We are attracted to its moral message or the power of its purpose. Perhaps the chosen story helps us answer one of life's many questions with which we have wrestled because we can relate to the crisis or challenge with which the story's characters contend.[58] The

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56.

> At Philadelphia, the Founding Fathers were presented the fleeting opportunity of mounting to the very peak of social possibility afforded by democracy. But after ascending to within a few yards of the summit they paused, finding the view to be one combining splendor with terror. From this height of human aspiration the ethical implications of democratic equality were revealed as tragic, for if there was radiance and glory in the future that stretched so grandly before them, there was also mystery and turbulence and darkness astir in its depths. Therefore, the final climb would require not only courage, but an acceptance of the tragic nature of their enterprise, and the adoption of a tragic attitude that was rendered unacceptable by the optimism developed in revolutionary struggle, no less than by the tempting and virginal richness of the land which was now rendered accessible.

Id. at 334.

57. David Abram describes the vitality of stories in his foreword to Erica Helm Meade's book, THE MOON IN THE WELL: WISDOM TALES TO TRANSFORM YOUR LIFE, FAMILY, AND COMMUNITY (2001):

> Everything is alive—even the stories themselves are animate beings! Among the Cree of Manitoba, for instance, it is said that the stories, when they are not being told, live off in their own villages, where they go about their own lives. Every now and then, however, a story will leave its village and go hunting for a person to inhabit. That person will abruptly be possessed by the story, and soon will find herself telling the tale out into the world, singing it back into active circulation.

Id. at xiii.

58.

> *Crisis* is the plot center of all stories. Without a crisis to be experienced and endured by the main character, we may have a portrait but we do not really have a story.
>
> . . . .
>
> In terms of story, a crisis is simply *any event or happening that takes a part of the world we have grown comfortable living with and turns it upside down.* Such a crisis event requires that we make adjustments to a new world as a part of living with such critical change.

storyline may proceed along a path that connects us to our past, illuminates our present, or directs us to possibilities in the future. It holds our attention and evokes a "wow!" when we get to the story's end.[59]

As described above, Ellison chooses to begin his essay by sharing some of his personal stories. In his personal account of his travel (illegally) by freight train to Tuskegee Institute to pursue a higher education, we sense the tremendous fear and terror Ellison experienced when he is forced off the train by white railroad detectives in Decatur, Alabama. It is June, 1933, the time when the Scottsboro Boys are being tried in Decatur for raping two white women on a freight train.[60] Ellison fears that he will be made into "a sacrificial scapegoat, simply because [he] was of the same race as the accused young men then being prepared for death."[61] He escapes from this predicament by fleeing with a group of white boys who were also pulled from the train. As he runs, we feel ourselves running with him in terror and fright.[62] He is running from the terror of agents who have been deputized

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DONALD DAVIS, TELLING YOUR OWN STORIES: FOR FAMILY AND CLASSROOM STORYTELLING, PUBLIC SPEAKING, AND PERSONAL JOURNALING 20 (1993).

59. Elisa Davy Pearmain explains in the introduction to her book, ELISA DAVY PEARMAIN, DOORWAYS TO THE SOUL: 52 WISDOM TALES FROM AROUND THE WORLD (1998), how stories can aid us in our journeys upon the earth:

> I have collected stories from many spiritual and cultural traditions. Although their form may reflect the cultural and religious idiosyncrasies of their time and place, their messages are remarkably universal. In my research I repeatedly encountered in every culture the same principles basic to spiritual development: Do no harm, practice generosity and loving-kindness, know thyself and follow your highest thought, be aware of the effects of your actions, practice gratitude and forgiveness, enter into direct relationship with the source of life through prayer or meditation (silence). I have chosen stories to which my heart responded with a resounding "Aha!", stories that speak to these principles and other aspects of being a human being on a spiritual journey.

Id. at xi.

60. ELLISON, *Perspective of Literature*, *supra* note 36, at 324-25; Powell v. Alabama, 287 U.S. 45 (1932) (overturning the lower court convictions).

61. *Id.* at 325.

62. Laura Simms notes that we as listeners participate in the story and share the fear of the storyteller's characters as well as the lessons learned by the terrorizing experience:

> The listener hears the warning and undergoes the consequences simultaneously. It is we who invest the monster with being, dress him into reality, and raise him up bone by bone. . . .
>
> . . . Such profuse and brilliant creativity sleeps within, on the other side. It

by the long arm of the law to protect the railroad's property.[63]

The story has universal appeal first because it is quintessentially an American tale of someone making a great effort to pursue an education to improve his lot in life. Second, Ellison, in describing this hoboing experience, captures that sense of adventure we all share with Huck Finn and pirates and trekkers of all kinds.[64] Third, he paints a picture of an oppressive legal system and desperate economic conditions which made blacks who were poor and powerless vulnerable to "racial victimage."[65] He thereby exposes some truth about our justice system and how it is inconsistent with our constitutional values. And finally, in spite of the risk and danger, he courageously hops another freight train to travel on to Tuskegee. His story is one of hope. For Ellison, that hope is pinned to the constitutional script which promises life, liberty, and the pursuit of happiness.[66] It is this hope that triumphs over fear and terror and touches a universal chord within all of us who believe in the ideals of the constitutional script. In the oral storytelling tradition, this is the hero's tiumph over evil and provides a lesson to us about self-sacrifice for a greater good.[67]

> is fear that crumbles the thick walls of familiar convention and habitual patterns of ignorance. And it is fear that opens us to what treasures lie in wait within.

Simms, *supra* note 34, at 50.

63. Ellison's account captures the fear most African Americans experience when they encounter officers of the law. He says, "In our common usage, law was associated more with men than with statutes. Law-enforcement officers in our usage were 'Laws,' and many were men with reputations for being especially brutal toward Negroes." ELLISON, *Perspective of Literature*, *supra* note 36, at 323. We connect to his story in contemporary times because of all-too-frequent instances of racial profiling and police brutality.

64. *Id.* at 324.

65. *Id.* at 325.

> The [*Scottsboro*] case and the incident leading to it were widely reported in the black press, and what I had read of the atmosphere of the trial led me to believe that the young men in the case had absolutely no possibility of receiving a just decision. As I saw it, the trial was a macabre circus, a kangaroo proceeding that would be soon followed by an enactment of the gory rite of lynching, that ultimate form of racial victimage.

Id. Ellison explores the horrors of lynching in his short story, *A Party Down at the Square*.

66. *See* Ellison's discussion of Thomas Jefferson's drafting of the Declaration of Independence, ELLISON, *Perspective of Literature*, *supra* note 36, at 330.

67. The heroes and heroines come in different forms but have in common a quest for adventure and discovery. Clyde Ford describes it this way:

B. Symbol Carriers and Image Creators

For Ellison, storytelling, both in literature and law, is about the use of symbols to convey particular meanings. Symbols are constructed by using words' pictures which convey an intended meaning. The symbols call forth from us a recognition of a described reality. Ellison explains this by articulating the unique quality of language:

> In this view, language is a primary agency of order. Why? Because it is the identifying characteristic of a symbol-using, symbol-misusing animal. It is through language that man has separated himself from his natural biologic condition as an animal, but it is through the symbolic action, the symbolic capabilities of language, that we seek simultaneously to maintain and evade our commitments as social beings.[68]

Language gives us the power to describe what is in our imaginations, in that part of our thinking that constructs reality.[69] The words are symbolic of

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> The hero with an African face has much in common with the heroes of all ages and all lands, for the hero quest is not predicated on the particularities of place and time. Simply stated, the hero quest is orchestrated in three movements: a hero is called to venture forth from familiar lands into territory previously unknown; . . . then, with boon in hand, the hero returns to the land of his origin. Departure, fulfillment, return—evidence of these three movements is uncovered in all African hero adventures. African mythology then shades the hero's career in colors of its own.

CLYDE W. FORD, THE HERO WITH AN AFRICAN FACE: MYTHIC WISDOM OF TRADITIONAL AFRICA 18-19 (1999).

68. ELLISON, *Perspective of Literature*, *supra* note 36, at 329.

69. Language as a medium through which we can convey meaning using aural symbols is the critical tool for storytellers:

> What we speak is *language*. Sasha, the cat, was communicating with me when she swished her tail around my trouser leg and rubbed her cheek against my shoe. *Communication*, such as Sasha was engaged in, refers to the entire spectrum of ways in which we send our feelings and thoughts to others. *Language*, on the other hand, is a limiting term and refers to the use of a specific system of symbolic activities through which we transmit thoughts and feelings to others. Symbols are the primary tools in a world of meaning. Speech sounds are symbols which we and others in our community have agreed will represent particular meanings.

what we see in reality or in our minds. We use word symbols or images to give concreteness to our thoughts and perceptions.[70]

Symbols do not stand on their own ground but come out of a cultural context that informs us of their meaning, or at best what can be interpreted as a range of possible meanings.[71] The context may be framed by an historical record, by social relationships, by cultural artifacts,[72] or by

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. . . .

> For the storyteller, language is an instrument to be played with all the skill that falls within her grasp.

RAMON ROYAL ROSS, STORYTELLER: THE CLASSIC THAT HERALDED AMERICA'S STORYTELLING REVIVAL 27-28 (3d rev. ed. 1996).

70. For a discussion of image and story, see LIPMAN, *supra* note 33, at 41-72.

71. Not only do cultural differences change the meaning of words, but also language itself has different modes through which we utilize it:

> Words are used to communicate, a way to share meaning, but sometimes people give different meanings to the same word. In addition, there are registers of language. Every language in the world has five registers. Two of these registers are formal and casual. Formal register is the language of the business community and educational community. Casual register is language used between friends and has broken sentences, general word choice, and many non-verbal signs. For example, in formal register a person would say, "School will be closed due to inclement weather." In casual register a person would say, "We ain't havin' school." Because formal register often uses twice as many words as casual register, it is difficult to understand formal register if you only know casual register.

JAY STAILEY & DR. RUBY PAYNE, THINK RATHER OF ZEBRA: DEALING WITH ASPECTS OF POVERTY THROUGH STORY 38 (1998).

72. In his essay, *Going to the Territory*, published in his book of essays by the same title, Ellison describes how culture infuses the life of individuals no matter whether they are in their native lands or have traveled afar:

> In his *The Oregon Trail*, Francis Parkman writes of his surprise at coming upon a snug little cottage, far on the other side of the great prairie, wherein he discovered vintage French wines and the latest French novels.
>
> Well, those *cultural artifacts* didn't get there by magic; they were transported there to supply the cultural tastes of the cottage's owner. Thus they formed a cultural synthesis between the culture of France and the prairie. But of course, such apparently incongruous juxtapositions are a norm on the frontiers of American society. Today most of the geographical frontier is gone, but the process of cultural integration continues along the lines that mark the hierarchal divisions of the United States.

RALPH ELLISON, *Going to the Territory*, *in* GOING TO THE TERRITORY, *supra* note 36, at 120, 134 (emphasis added) [hereinafter ELLISON, *Going to the Territory*].

governmental decisions which design a particular legal ordering. Ellison offers symbols about the struggle for personal autonomy, the struggle against the tyranny of hierarchy, and the struggle for the actualization of our national myths.[73] In *Perspective of Literature*, Ellison uses the racialized individual, the Afro-American, as a symbol of the American constitutional drama.[74] Again, this drama is about what Dr. Martin Luther King, Jr., meant when he said, "[O]ne day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal."[75] The storyteller captures the images of America's racial dilemma, images with which we could not cope, except through story. Stories then can help us confront inequality, racism, sexism,

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73. The story of the Civil Rights Movement reflects the struggle to achieve the promise of our national myths. While this struggle has been waged throughout our history, fundamental changes were achieved after Rosa Parks, in an act of bravery and dignity, refused to give up her seat to a white man on a bus in Montgomery, Alabama, and thus inspired a grassroots movement of citizens demanding the rights promised in the Constitution. The movement's story can best be told through the stories of those who participated in it. *See* HOWELL RAINES, MY SOUL IS RESTED: MOVEMENT DAYS IN THE DEEP SOUTH REMEMBERED (1977); ANDREW YOUNG, AN EASY BURDEN: THE CIVIL RIGHTS MOVEMENT AND THE TRANSFORMATION OF AMERICA (1996); SHEYANN WEBB & RACHEL WEST NELSON, SELMA, LORD, SELMA: GIRLHOOD MEMORIES OF THE CIVIL-RIGHTS DAYS (1980); FRED D. GRAY, BUS RIDE TO JUSTICE: CHANGING THE SYSTEM BY THE SYSTEM—THE LIFE AND WORK OF FRED D. GRAY, PREACHER, ATTORNEY, POLITICIAN (1995); ANDREW M. MANIS, A FIRE YOU CAN'T PUT OUT: THE CIVIL RIGHTS LIFE OF BIRMINGHAM'S REVEREND FRED SHUTTLESWORTH (1999).

74.

> [The Negro] became keeper of the nation's sense of democratic achievement, and the human scale by which would be measured its painfully slow advance toward true equality. Regardless of the white American's feelings about the economic, psychological, and social conditions summed up in the term and symbol "Negro," that term and symbol was now firmly embedded in the operation of the American language. Despite their social powerlessness, Negro Americans were all unwittingly endowed with the vast powers of the linguistic negative, and would now be intricately involved in the use and misuse of a specific American form of symbolic action, the terminology of democracy. Not only in language, but through language into law and social arrangements, social ethics and manners, into sexuality and city planning (or no planning), or non-planning, and into art, religion, and literature.

ELLISON, *Perspective of Literature*, *supra* note 36, at 335-36.

75. DR. MARTIN LUTHER KING, JR., *I Have a Dream*, *in* A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 217, 219 (James Melvin Washington ed., 1986) [hereinafter A TESTAMENT OF HOPE].

and classism that are too painful to see directly in the national mirror. And here is where, as Dr. Rex Ellis suggests, stories have the power to heal. In his introduction to *African-American Folktales for Young Readers*, edited by Richard and Judy Young, Ellis describes the power of story to connect people of diverse backgrounds:

> [S]torytelling has the power to foster understanding and build bridges of respect among cultures. One does not have to look far to realize that our neighborhoods and communities are becoming increasingly diverse. Unfortunately, the many cultures we live among often allow their politics, ideologies, and traditions to create divisions that are divisive, pervasive, and violent. We are truly in need of the kind of healing that storytelling can provide. Its power to break down barriers—and even explain the reasons for those barriers we tend to protect ourselves with—is both unique and wonderful.[76]

C. Role of the Storyteller

Ellison reminds us that the role of artists, be it oral storyteller or written wordsmith, is to stir up the audience, to move the listener or reader at his or her core with pathos or joy, terror or warm security, or any number of emotional responses to the human condition. As an oral storyteller, I agree with what Ellison says about writers:

> I would also remind you, as one who somehow fits into the profession of Mark Twain, Emerson, and Thoreau, that it is the writer's function precisely to yell "Fire" in crowded theaters, and we do so, of course, through the form in which we work, and the forms of literature are social forms. We don't always take them seriously, but they are the start of seriousness, and an irreplaceable part of social order.[77]

Ellison correctly suggests that the work itself (oral or written) is a social form. The telling lives between the teller and the listener in what Professor

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76. AFRICAN-AMERICAN FOLKTALES FOR YOUNG READERS 10 (Richard Alan Young & Judy Dockrey Young eds., 1993).

77. ELLISON, *Perspective of Literature*, *supra* note 36, at 330.

Callahan calls a "conversational act."[78] We are all present together in the immediacy of the story.

The storyteller is not just yelling "fire" for the sake of chaos or for perverse pleasure. The storyteller's role is to draw people together by connecting them with the truths and values they hold deeply but may not carry close to the surface.[79] The storyteller's task of social order is to carry forward our common history and culture, especially that history and culture that we hide from our eyes because of its ugliness.[80] Moreover, the best of our storytellers transmit the history and culture of those with whom we might not have anything in common, except our fundamental human existence. Again, the stories of others draw us together because of their universal truths and values, thereby aiding in bringing order to our

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78. Callahan, *supra* note 1.

79. This is not unlike what happens when a disaster, such as a tornado or a flood, strikes a community and has the capacity to draw together members of the community to confront a common foe. We set aside differences and reach out to help each other realizing our common destiny and our common values. Storytellers can play a positive role in this regard:

> At times like this, a community's storytellers hold one of the keys to heal these wounded hearts and spirits. We have a unique opportunity to offer a different way to bind the community back together in a time of crisis. When our minds can escape our tragedies, even briefly in a well-told tale, we often feel strength restored and are better able to see solutions as well as solace. Storytellers can offer a gift of light, and help to affirm renewed trust in life's goodness.

B.Z. Smith, *When Natural Disasters Strike . . . , in* 2 DIVING IN THE MOON: HONORING STORY, FACILITATING HEALING 6, 8 (2001).

80. Ellison discusses this task of carrying forward history and culture in his essay, *Going to the Territory*. He describes how he was influenced by his high school music teacher, Zelia N. Breaux, in lessons about the culture and history of other ethnic groups. Ellison states the enduring power of this lesson:

> [W]e were being introduced to one of the most precious of American freedoms, which is our freedom to broaden our personal culture by absorbing the cultures of others. Even more important was the fact that we were being taught to discover and exercise those elements of freedom which existed unobserved (at least by outsiders), within our state of social and political unfreedom. And this gift, this important bit of equipment for living, came through the efforts of a woman educator who by acting as agent of the broader American culture was able to *widen our sense of possibility and raise our aspirations.*

ELLISON, *Going to the Territory*, *supra* note 72, at 136.

communities.[81] From Ellison's point of view, or his perspective, the storyteller links the lived experience of the American people with the ideals expressed in the Constitution's text and in the texts of the law.

D. The Larger Perspective of Sharing Stories

The task now is to step back and see the larger agenda that Ellison sets for us in *Perspective of Literature*. First, Ellison, as we have so far considered his work, is clearly stating the case for the role that race has had in American history and in the national psyche. His purpose as a writer is to make his readers cognizant of how race is interwoven into our organic documents, the U.S. Constitution and the Declaration of Independence. His stories call for our awareness of race's symbolic meaning in the constitutional drama.

Second, Ellison holds up for close examination our constitutional ideals about democratic equality by presenting stories highlighting America's failure and inability to include all her citizens within the arc of constitutional protection. Our nation's story is about how mythic values and ideals constantly rub against daily reality. This tension was hardwired into our national psyche by the founding fathers, who recognized the true costs of full equality and egalitarian participation in the democratic order.[82] Ellison concludes:

> [This] made for a split in America's moral identity that would infuse all of its acts and institutions with a quality of hypocrisy.

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81. Ramon Royal Ross suggests that our folklore, including tales, songs, ballads, and dance, offer us a way to see the human dignity in each other. He says:

> There's a humanism inherent in sharing language, sharing stories, dancing and singing in the old ways. These are kindly approaches to learning about yourself and those around you. At a time when a good-size segment of the population whirls through life without humor, at breakneck speed, a strong and vital strain of tenderness, love, and slippery feeling stuff needs to be introduced and tended.
>
> And that's where the storyteller comes in. It's not unrealistic to hold to the belief that the simple pleasures of folk participation can alter a person's view of himself and reawaken him to the miracles that happen when people touch one another with hands and eyes and words. For storytelling, in my view, is anchored in language at its gentlest and best.

ROSS, *supra* note 69, at 16-17.

82. ELLISON, *Perspective of Literature*, *supra* note 36, at 333.

> Worse, it would fog the American's perception of himself, distort his national image, and blind him to the true nature of his cultural complexity.[83]

Hence, the power of story grounded in the constitutional script allows us to see ourselves in a clearer, truer light. First, as fellow human beings we should recognize ourselves, as Maya Angelou did in finding inspiration in the words of Terence: "I am a human being. Nothing human can be alien to me."[84] As we shall see in more detail in the next section, the stories of Ellison offer characters and storylines by which we can see and feel our humanness.[85] Second, we also see each other as fellow citizens with a common heritage grounded in the democratic ideal. The place where stories

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83. *Id.*

84. Maya Angelou, Keynote Address at the Girl Scout National Council 45th Convention, Miami Beach, Florida (Oct. 20, 1990) (transcript on file with author).

85. The major social issue that runs throughout our history is the idea that our humanness transcends our artificial, skin-deep distinctions of race. Professor Jonathan Stubbs is one scholar who has seriously reflected on the concept of human-ness, drawing on an observation by civil rights attorney Oliver W. Hill, Sr., who said, "I am convinced that human beings are one race with many traits in common as well as some differences." OLIVER W. HILL, SR., THE BIG BANG: BROWN VS BOARD OF EDUCATION, AND BEYOND: THE AUTOBIOGRAPHY OF OLIVER W. HILL, SR. 342 (Jonathan K. Stubbs ed., 2000). Professor Stubbs observes in an essay which concludes the Hill autobiography:

> Oliver Hill places his finger squarely on a modern struggle, namely, the idea that human beings can be both one and many. Many humans seem to think that it is impossible to have more than one identity. For example, suppose a black person says "I am a human being first and my color is secondary." Some people hearing this statement would interpret it as a (foolish) repudiation of one's "racial" identity. To some the statement means "He wants to be a human being rather than a black person. This definition of being human means being bleached of his blackness. To be bleached of one's blackness leaves one colorless. Perhaps he is too naive to realize that; or maybe he is running from his blackness and subconsciously wants to be white."
>
> However one can view the statement that "I am a human being first and my color is secondary" another way. You can recognize that the speaker has embraced two identities—her humanity first and her color second. If you recognize that the speaker's gender, age, nationality, culture, and religious beliefs are also significant aspects of her humanity, you can see that she fits Mr. Hill's description of humans, namely: "one race with many traits in common as well as some differences."

Id. at 342-43.

are told and heard becomes the place where individuals with vast social and cultural differences can reach across these barriers on bridges of our common claim to the Constitution's ultimate promise.

And finally, Ellison's agenda—and that is the reason he fits well into the law and literature movement—is to educate us on the power of literature (and story) to order society. Ellison puts it best:

> Perhaps law and literature operate or cooperate, if the term is suitable for an interaction which is far less than implicit; in their respective ways these two systems, these two symbolic systems, work in the interests of social order. The one for stability—that is, the law is the law—the other striving to socialize those emotions and interests held in check by manners, conventions, and again, by law.[86]

Literature allows us to express dissent or, as Ellison states it, "the power of the negative."[87] Indeed, the Declaration of Independence was an expression to King George of a host of complaints, including the lack of ability to participate in the governance of our affairs and in choosing our fate.

II. THE CALL OF ELLISON'S SHORT STORIES

This section will reflect on how Ellison's short stories provide inspirational material for oral storytelling.[88] As an oral storyteller, I see the

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86. ELLISON, *Perspective of Literature*, *supra* note 36, at 329.

87. *Id.* at 328.

88. *See* MILNER S. BALL, CALLED BY STORIES: BIBLICAL SAGAS AND THEIR CHALLENGE FOR LAW (2000). In this book, Professor Ball uses stories from the Bible to consider what they might have to say about lawyers and their role in our society. Professor Ball, an ordained Presbyterian minister who has spent his professional life between the world of the Church and the world of law, says that reflections on these stories and on our society leaves him with no options but to a deeper study of them:

> Gradually and increasingly, however, I found that the more I engaged in and thought about law the more necessary it became to have recourse to their capacity for generating understanding and critique. Then—and this is where I am now—I discovered that I had to start with the stories. They impressed themselves upon me as compelling and normative. *They seized me.* I have no better way to say it. The experience was not mystical. It was and is ordinary living, acting, thinking, writing, and reading.

Id. at 5 (emphasis added). Similarly, I find myself "seized" by Ellison's short stories.

power of storytelling to transmit values, educate, heal wounds caused by social discordance, and empower listeners to address contemporary social problems. Ellison's stories not only intrigue and inspire me, they also offer a substantial resource for potential storytelling material. As a teacher, I have found storytelling a most useful adjunct for transmitting lessons to my students and have used some of Ellison's work in my classroom.[89]

In reading the stories, I can nearly hear Ellison's voice. It is as if he is speaking off of the page, telling the tale to a live audience. He puts us in the middle of a sunny summer afternoon alongside two young boys finding their own amusement; or on a rolling freight train bouncing down the tracks; or looking over the shoulders of a father relating to his son. He paints word pictures with animated phrasing and the rich texture of constructed scenes. His moving prose touches deep childhood memories, both sweet and bitter. Laced throughout is the subtext of a racialized society bound by cultural mores and legal norms. The powerful symbols and images compel one to share these tales, to tell them to someone else.

The stories can be grouped into four different categories: (1) childhood stories featuring Ellison's young friends, Buster and Riley; (2) hobo and train stories, showcasing life and adventures and dangers on the American rail system; (3) black fatherhood stories, about family relationships; and (4) American racial saga stories, delving into the heart of racism and the struggles against it.[90] There are common themes and threads in all of the

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89. This is particularly true of *Perspective of Literature*, which I have used in seminars on constitutional law and in the course on legal ethics to discuss the role of the lawyer in protecting our system of justice.

90. The categories closely follow the manner in which Professor Callahan arranged the stories in the volume, and my thoughts on the stories are informed by his close and thoughtful reading of the text as presented in the volume's introduction. *See* Callahan, *supra* note 8, at ix-xxxviii. Professor Callahan notes that these stories provided Ellison with the writing experience which would lead to his seminal work, *Invisible Man*, and describes the significance of these short stories as follows:

> The sequence I have chosen follows the life Ellison knew and imagined from boyhood and youth in the twenties and early thirties to manhood in the late thirties and early forties. Different faces look out from the stories. Sometimes tolerance and a wary solidarity break through the color line, while on other occasions unspeakable acts of cruelty and violence disfigure the countenance of Ellison's America. The deceptive Jim Crow "normalcy" of the twenties is here; so are the jolt of the Depression and the opportunity and antagonism of black experience during the Second World War. Throughout the stories, Ellison experiments with narrative technique, point of view, and the impact of

stories. Certainly, Ellison draws from the drama emanating from the Constitution's script and presents familiar scenes of American life, tinted as it were by the lens of race. However, I address these stories reflecting on my "listening" to the text as I read it. I draw from the points in the stories that touch and move me as an oral storyteller. No doubt other listeners of the stories will be touched and moved by different points in the stories, but then, that is the beauty of storytelling.

A. Childhood Stories

When I was a child in the 1950's and 1960's, I grew up in what was then a rural, farming community in Bridgewater, New Jersey. There were open fields and thick woodlands to explore. Brooks, creeks, and ponds teemed with turtles, tadpoles, and toads. Adventures were limited by a youngster's imagination and the stringent boundaries of supervising adults. Ready playmates could be found in a neighborhood knit together by family ties, long friendships, and a sense of community anchored in the spiritual sustenance of the local congregation worshiping at the Macedonia Missionary Baptist Church. Times ebbed and flowed with the seasons and the cycle of life. The community at large, and the small African-American neighborhood in which I lived, were shaped by local events; tragic and joyful, happy and sad. The community was shaped as well by the press of larger social and cultural happenings that also shaped our state, our nation, and our world. Within that small place of earth, America's drama played out all the scenes that make America's history, present and future.

So it is with Ellison's stories of the boyhood adventures of Buster and Riley. In *Mister Toussan*, the boys, sitting on a front porch on a hot summer's day, tell the exciting story of Toussaint L'Ouverture, the African slave who led the liberation of Haiti (then called San Domingo) during the period of 1792 to 1803 and established the first country in the Americas to abolish slavery.[91] In telling the story, as Buster recalls it being told to him by his school teacher, they put the lie to their school geography books, which proclaimed Africans as "'bout the most lazy folks in the whole

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> geography on personality. Reading them, one is initiated into the protean shapes and guises of black experience from about 1920 to about 1945.

Id. at xxiv-xxv.

91. For a brief description of Toussaint L'Ouverture's revolutionary establishment of the first country controlled by former African slaves, see KEITH IRVINE, THE RISE OF THE COLORED RACES 241-84 (1970).

world."[92] In *Afternoon*, the boys walk around the neighborhood doing what boys do best: poke at a dead cat, steal green apples from a neighbor's tree, and demonstrate their prowess pitching baseballs (actually green apples and stones) at various targets.[93] Arriving back at Buster's house, they exchange stories about the domestic dramas in their respective family units and allude to the violence and despair that lives there.[94] In *That I Had the Wings*, the boys get into great mischief when they attempt to prove that chickens can fly, only to cause the death of two young chickens when the boys drop them off of a chicken house roof to see if they can fly when tied to a makeshift parachute.[95] In *A Coupla Scalped Indians*, Ellison tells of two young boys going through various rites of passage. The story is rich in metaphor and the deeper meanings of growing into manhood.[96] The story's title is derived

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92. RALPH ELLISON, *Mister Toussan*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 22, 25 [hereinafter ELLISON, *Mister Toussan*]. Ellison sets up the story of L'Ouverture through Riley's retort to Buster declaring that, indeed, Africans could not possibly be lazy: "'Cause my old man says that over there they got kings and diamonds and gold and ivory, an if they got all them things, all of 'em caint be lazy,' said Riley. "Ain't many colored folks over here got them things.'" *Id.*

93. RALPH ELLISON, *Afternoon*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 33-44 [hereinafter ELLISON, *Afternoon*].

94. Buster had gone into the house to get something to eat, but returns fairly quickly to have this exchange with Riley:

> "You eat so quick?" asked Riley.
> "Naw, Ma's mad at me."
> "Don't pay that no mind, man. My folks is always after me. They think all a man wants to do is what they want him to. You oughta be glad you ain't go no ole man like I got."
> "Is he very mean?"
> "My ole man's so mean he hates hisself!"
> "Ma's bad enough. Let them white folks make her mad where she works and I catch hell."
> "My ole man's the same way. Boy, and can he beat you!"

Id. at 42-43.

95. RALPH ELLISON, *That I Had the Wings*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 45-62 [hereinafter ELLISON, *That I Had the Wings*].

96. Metaphors help us begin to understand the mysteries that appear beyond our minds' ability to grasp, in part because they transcend a gap in our knowledge about life and hence provide clear meaning to the moments and experiences in which we find ourselves. Jane Yolen would explain it thus:

> Metaphor does that. It helps us explain ourselves to ourselves. It helps us explore and examine forces that we cannot otherwise come to terms with. We

from the fact that these two boys (around the age of eleven) have recently been circumcised, a fact in and of itself symbolic of ceremonial manhood.[97] They have spent several "survival" days camping in the woods putting themselves through various endurance tests as part of their self-initiation into the Boy Scouts or some Indian tribe. On their way out of the wild woods, they head back into town to partake of the wild happenings at a local carnival. However, Riley is delayed by an encounter with Aunt Mackie (not related to anyone but called "aunt" just the same),[98] a conjure woman whom he first spies through her cabin window dancing naked and seductively. In the encounter, Riley is introduced to the sexual mysteries of womanhood and to his own budding sexuality as Aunt Mackie demands a kiss from him as payment for peeping at her through her window.[99]

> may call those forces God or Allah or Thor or Coyote or Old Man or the White Goddess or any one of a billion other names. But they are all the same—they are the unknown that surrounds us.

YOLEN, *supra* note 31, at 122-23.

97. The boys are enthralled with the ways and customs of American Indians and in a repartee on Indians taking scalps they compared their circumcisions to the idea of being so "scalped" as a necessary part of a rite of passage: "Buster stumbled about, grabbing a tree for support. The doctor had said that it would make us men and Buster had said, hell, he was a man already—what he wanted was to be an Indian. We hadn't thought about it making us scalped ones." RALPH ELLISON, *A Coupla Scalped Indians*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 63, 67 [hereinafter ELLISON, *A Coupla Scalped Indians*].

98. In the story, Aunt Mackie is described as old and "*wizen-faced*" and as "*teller of fortunes, concocter of powerful, body-rending spells . . . the remote one though always seen about us; night-consulted advisor to farmers on crops and cattle . . . herb-healer, root-doctor, and town-confounding oracle to wildcat drillers seeking oil in the earth. Id.* at 68.

99. Riley's encounter with this powerful woman mirrors many a young man's first discovery of the female form. Aunt Mackie's naked body is particularly interesting because it is smooth and firm as compared to her very wrinkled face. He observes as he watches her through the window:

> Now, I had never seen a naked woman before, only very little girls or once or twice a skinny one my own age, who looked like a boy with the boy part missing. And even though I'd seen a few calendar drawings they were not alive like this, nor images of someone you'd thought familiar through having seen them passing through the streets of the town; nor like this inconsistent, with wrinkled face mismatched with glowing form. So that mixed with my fear of punishment for peeping there was added the terror of her mystery. And yet I could not move away. I was fascinated, hearing the growling dog and feeling a warm pain grow beneath my [circumcision] bandage—along with the newly risen terror that this deceptive old woman could cause me to feel this way, that she could be so young beneath her old baggy clothes.

In the childhood stories, Ellison particularly captures the exuberance of boyhood with its fun and adventurous sense of play. Boys use their physical bodies to explore both the physical world around them and the world of pure imagination. We watch the boys move unself-consciously through the world, all arms and elbows and skinned knees, with hardly a thought of the physical dangers to which they expose themselves through their adventurous antics.[100] Haven't we all wished that we could fly and have wondered, as the boys do in *Mister Toussan* when Riley asked, "What would you do if you had wings?"[101] Buster's response could certainly mirror ours: "Shucks, I'd outfly an eagle. I wouldn't stop flying till I was a million, billion, trillion, zillion miles away from this ole town."[102]

Ellison's characters also utilize the physicality of the human voice. Riley's mother sings a spiritual, and the whole neighborhood seemingly is calmed and comes to a momentary period of rest and contemplation.[103] In *That I Had the Wings*, Riley, wondering if God would punish him, modifies some of the old spirituals with words that vibrantly move through his body:

> He bit his lip. But the words kept dancing in his mind. Lots of verses. *Amazin' grace, how sweet the sound. A bullfrog slapped his granma down.* He felt the suppressed laughter clicking and rolling within him, like big blue marbles. That "amazin' grace" part was

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Id. at 74.

100. In *That I Had the Wings*, the boys are on a mission to see if "Ole Bill," the rooster, could fly. In attempting to capture the rooster and haul him up to the chicken coop roof for a flying exhibition, Riley hardly expects the swiftness with which the bird attacks him:

> The rooster swarmed over him. He guarded his eyes. The rooster clawed his legs, pecked at his face. He felt a spur go into his shirt, the point against his ribs. Little evil yellow eyes, old like Aunt Kate's, danced sinisterly over his face. As his hand connected with a horny leg, he heard his shirt rip and held on, the pungent odor of dusty feathers hot in his nostrils. Panting, he scrambled to his feet. Ole Bill jerked powerfully, the scaly legs rough to his hands, the sharp bill stabbing.

ELLISON, *That I Had the Wings*, *supra* note 95, at 55.

101. ELLISON, *Mister Toussan*, *supra* note 92, at 24.

102. *Id.*

103. *Id.*

> from a church song too. Maybe he would really be punished now. But he could suppress it no longer and leaned against the house and laughed.[104]

The same physicality is also witnessed in Ellison's use of childhood rhymes and some rhymes borrowed from adult songs, which are often sung with body movements.[105] *Mister Toussan* ends with Riley dancing to a chant, *"Iron is iron, And tin is tin, And that's the way . . . the story ends."*[106] In *Afternoon* the boys' exploratory jaunt through the neighborhood is enlivened by the following chant:

> *Well I met Mister Rabbit*
> *down by the pea vine . . .*
> *An' I asked him where's he gwine*
> *Well, he said, Just kiss my behind*
> *And he skipped on down the pea vine.*[107]

Physical movement is also part of the telling of the Toussaint L'Ouverture story as Ellison utilizes the call and response technique often utilized by

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104. ELLISON, *That I Had the Wings*, *supra* note 95, at 50.

105. Ramon Royal Ross reminds us of the importance of song and dance to our culture and to our sense of community and suggests why Ellison may have utilized them in his stories:

> In my mind, there is little doubt that these old songs and games are important. Earlier I described my experiences with teachers where songs and dances brought us together. The same has been true with children.
>
> But there is another justification for including these fine old tunes and games. They are part of our uniquely American culture and heritage, linking us with our own past. The strains may be traced to England, to Africa, to Germany, to Mexico, ... or Texas or Oklahoma or Washington State. But the culture is in us—a part of our knowing—and we, as teachers, have both the privilege and the responsibility to share that culture with our young.
>
> And what's in it for the children? They get an enriched sense of their own place in the world; where they came from, what their parents' parents were like. They also get lots of practice playing with words, with language, with rhythm and rhyme.

ROSS, *supra* note 69, at 199. For a longer discussion of the use of song and dance in story, see *id.* at 173-200. For a collection of African-American play songs and dance rhymes, see BOOK OF NEGRO FOLKLORE 421-35 (Langston Hughes & Arna Bontemps eds., 1958).

106. ELLISON, *Mister Toussan*, *supra* note 92, at 31-32.

107. ELLISON, *Afternoon*, *supra* note 93, at 36.

black preachers in their sermons.[108]

Another aspect of the childhood stories is the exposure Ellison gives to the image of the man/child. The boys use adult language when they speak and are chastised by the adults for such speech. They swear and use derogatory terms such as "peckerwoods" when referring to white people. But their general mannerisms and that innocent curiosity about life (for example, looking for moonshine jars in the tall grass behind a bootlegger's house) bespeak the wonders of a child's mind freely following his fancy. They have knowledge of the wider world, wondering about Jack Johnson, the black boxing champion. They recognize the deep religious convictions of the adults in their life and yet see the incongruities in the way adults behave and live. They are wise beyond their years, and at the same time innocently limited by their lack of experience with larger life.

Finally, the childhood stories tell of a community within a community. The white folks inhabit the larger community and constrain the separate black community. There is a lack of respect on the part of the white community, as evidenced by their false textbooks. Yet paradoxically, the labor of the black community is needed by the other community, especially for those backbreaking chores such as cooking, cleaning, and laundering. The boys forever feel the ripple effect of the social hierarchy within which they live.[109]

To tell these stories would be to bring forth past childhood memories, highlighting how they shape the present. We all are products of our childhood experiences and can in some way relate to the adventures of

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108. The best example of the black preachers, a favorite of storytellers, is found in JAMES WELDON JOHNSON, GOD'S TROMBONES: SEVEN NEGRO SERMONS IN VERSE (1927). In poetic verse, he captures the old preaching style of black preachers. Of their style he says:

> There is, of course, no way of recreating the atmosphere—the fervor of the congregation, the amens and hallelujahs, the undertone of singing which was often a soft accompaniment to parts of the sermon; nor the personality of the preacher—his physical magnetism, his gestures and gesticulations, his changes of tempo, his pauses for effect, and, more than all, his tones of voice. . . . Those who were fortunate enough to hear him can never, I know, forget the thrill of it. This intoning is always a matter of crescendo and diminuendo in the intensity—a rising and falling between plain speaking and wild chanting. And often a startling effect is gained by breaking off suddenly at the highest point of intensity and dropping into the monotone of ordinary speech.

Id. at 10.

109. *See* ELLISON, *Afternoon*, *supra* note 93, at 42-43.

Buster and Riley. More significantly, to experience these stories as they are told is to once again experience the joys and the growing pains of childhood. Necessarily, our recall may help us to better understand the needs and the challenges of the current generation of children. Moreover, for those of us who advocate on behalf of children, we can be inspired by their resiliency and help empower their ability to maintain hope in their futures.[110]

B. Fatherhood Stories

As a father of four children, I am deeply aware of the challenges that the role of fatherhood brings. While there is great pride in seeing your children grow toward an independent, fruitful life armed with good character and an open spirit, there is also the painful recognition of how difficult and, indeed, lonely the task can be. In many ways it is a thankless job, as suggested by Robert Hayden in his poem, *Those Winter Sundays*.[111] No one, except perhaps another father, really knows the bittersweet mixture of joy and anxiety that fathers hold for their children. A good father wishes to accomplish his job with dedicated discipline and competence. Yet, a father knows that his own inadequacies, and forces and influences beyond his front door, complicate his job, making fathering an exercise in second-guessing his own decisions. The indeterminancy of the parenting function leaves him wondering how to protect his children from the outer world, while at the same time preparing them to fully engage and enter that world, ready to meet any challenge.

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110. For a discussion of how lawyers who represent children might empower them to participate in charting their futures, see Katherine Hunt Federle, *The Ethics of Empowerment: Rethinking the Role of Lawyers in Interviewing and Counseling the Child Client*, 64 FORDHAM L. REV. 1655 (1996).

111. Robert Hayden's *Those Winter Sundays* is a poem about a father who quietly goes about his tasks in providing for his family. Here is one particularly telling verse:

> Sundays too my father got up early
> and put his clothes on in the blueblack cold,
> then with cracked hands that ached
> from labor in the weekday weather made
> banked fires blaze. No one ever thanked him.

THE VINTAGE BOOK OF AFRICAN AMERICAN POETRY 167 (Michael S. Harper & Anthony Walton eds., 2000).

Ellison's fatherhood stories touchingly capture the joys and pains of fatherhood by lifting up two fathers whose aspirations for a better life are being passed down to their sons. In one story, *Boy on a Train*, the father has died from an undisclosed cause, although one is left to speculate that the father was killed by the violence of a racist society. His influence is nevertheless strongly present and fixed in his son's memory as the boy, James, "closed his eyes tight, trying to see the picture of Daddy. He must never forget how Daddy looked. He would look like that himself when he grew up: tall and kind and always joking and reading books."[112] James, his mother, and his baby brother are traveling by train to a distant city where Mother will have a job that will allow her to provide for her family. The father's abiding presence is further invoked when Mother prays for strength and courage to continue without her husband, but is determined to see the fulfillment of his dreams for a better life for his sons.[113]

In *The Black Ball*, a father, who is a maintenance worker at an apartment building, is raising his precocious son by himself. We are not told why the mother is not on the scene. The father, whose name is John, struggles to make a life for his son by holding down a job and preparing to study at the university. While the son is out playing with his baseball, a small group of older white boys steal the ball and throw it through the office window of the father's overbearing, unappreciative white boss. The boss threatens to terminate the father's employment and to blacklist him with other employers. The boss bellows, "Well, if I ever see him [the son] around here again, you're going to find yourself behind the black ball."[114] Hence the story's title. The experience pushes the father to consider an

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112. RALPH ELLISON, *Boy on a Train*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 12, 15 [hereinafter ELLISON, *Boy on a Train*].

113.

> "You remember this, James," she said. "We came all the way from Georgia on this same railroad line fourteen years ago, so things would be better for you children when you came. You must remember this, James. We traveled far, looking for a better world, where things wouldn't be so hard like they were down South. That was fourteen years ago, James. Now your father's gone from us, and you're the man. Things are hard for us colored folks, son, and it's just us three alone and we have to stick together. Things is hard, and we have to fight. . . O Lord, we have to fight!"

Id. at 18.

114. RALPH ELLISON, *The Black Ball*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 110, 120 [hereinafter ELLISON, *The Black Ball*].

invitation offered earlier to him by a curious visitor to attend a union organizing meeting for building maintenance workers.[115]

The stories tell us about strong black men being fathers who clearly are committed to caring for their families. In *Boy on a Train*, the young James is being groomed to step into the shoes of his father. James is protective of his mother and is most willing, even at his young age, to accept the mantle of familial responsibilities.[116] He wants to return some day to their former home in Oklahoma City and demonstrate what a wonderful job he did in taking care of his mother and brother.[117]

Ellison shows us a dynamic ethic of care that is possessed by good fathers. Surely, the fathers care that the children's basic needs for food, shelter, and clothing are met. But they also care that given the challenges of racial bigotry the children will know how to navigate in a society where race often determines destiny. In *The Black Ball*, Ellison uses the metaphor of the black ball as a symbol of this challenge. The son is somewhat confused about the notion of a black ball and wonders, "Will I play with the black ball, Daddy?"[118] The father assures him that he will, but sadly recognizes another truth:

> He had already played with the ball; that he would discover later. He was learning the rules of the game already, but he didn't know it. Yes, he would play with the ball. Indeed, poor little rascal, he would play until he grew sick of playing. My, yes, the old ball game. But I'd begin telling him the rules later.[119]

But the father is not just concerned with merely surviving the "ball" game. The father hopes to imbue the son with a deep sense of the possible, an awareness that opportunities await for those prepared to pursue the

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115. The visitor was a white union organizer who approached the father with questions about the workload at the building. John is at first skeptical until the union man tells a story about organizing sharecroppers in Alabama and having his hands burned with a gasoline torch when he tried to defend a black man accused of raping a white woman. *Id.* at 114.

116. As his mother prays through tears of hope for keeping her family together and for her sons' future, James wonders what is causing his mother's searing pain. James vows to take his revenge on whoever or whatever makes her cry "[e]ven if it's God." ELLISON, *Boy on a Train*, *supra* note 112, at 20.

117. *Id.* at 15.

118. ELLISON, *The Black Ball*, *supra* note 114, at 121.

119. *Id.*

American Dream. Hence, John plans to attend the union meeting with the hope that "there was a color other than white on the old ball."[120]

To tell these fatherhood stories would be to share the universal characteristics of good fatherly love. The stories portray positive images of black fatherhood in a world where little attention is paid to black men who are doing right by their children. The stories debunk the myth that all black fathers leave their families without support or are under the supervision of the state penal authority. Despite the harsh realities that confront the black community, there are indeed black fathers who love their children with great care, tenderness, humor, and affection.

C. Hobo and Train Stories

When I was a youngster, my paternal grandparents, Ann and Joseph Hobbs, Sr., lived in a house near the local train station, just a few yards from the train tracks. Mostly local trains ran on the tracks, and occasionally a freight train would pull through. Although the house was close to the tracks, it was an amazingly quiet place; I suppose this was so because the trains had to slow down as they came into the station. In earlier times their house was actually a weigh station for trucks picking up and dropping off freight. The scales were situated alongside the building, and the actual weight was determined by a measuring device located inside the house. At one time, my grandfather and my father, Cornelius Hobbs, operated a moving and trucking company and would weigh their trucks on the scales before starting a road trip.

The fascinating part about visiting my grandparents was watching the people coming and going through the train station. The passenger trains made local runs to Newark, New Jersey, stopping in such places as Bound Brook, Dunellen, Roselle, Plainfield, and Westfield. In my young eyes, the tracks and the train station represented travel to far off places and adventures. As an older teenager, I would take the train and make connections into New York's Penn Central Station, where one could see all sorts of sights and people as different from you as night is from day. The trains were egalitarian; everyone could ride in a common carrier and be equally subjected to delays, breakdowns, and the more often on-time arrival whether you had a first-class or coach ticket. And everyone was going from a "here" to a "somewhere else."

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120. *Id.* at 122.

Life as a hobo, or a bum, as Ellison calls them in his train stories, poignantly captures the egalitarian nature of train travel and at the same time recognizes that the specter of race often divided fellow travelers.[121] In *Hymie's Bull*, Ellison tells the story of a white bum from Brooklyn who kills a "bull," a private security guard hired to keep individuals from bumming rides on the freight cars. While Ellison recounts the common fears that freight riders had of bulls who could viciously beat bums and throw them off moving trains, he graphically depicts the even more brutal beatings black riders received from racist bulls.[122]

In *I Did Not Learn Their Names*, the black narrator recounts the kindness he experiences from a nameless elderly white couple.[123] The Depression had drained their means for regular passenger travel, and this was the only way they could travel to see their son, who was being released from prison. To the surprise of the narrator, the couple engage in a friendly conversation with him and offer to share a few of their sandwiches they had packed for the journey. Such a warm encounter between black and white travelers was rare.

In *A Hard Time Keeping Up*, Ellison lifts the invisible curtain that separates passengers from rail workers.[124] He calls forth the rich tradition of black porters and trainmen who work long hours, often under dangerous conditions, yet who during long layovers must find food and shelter in a distant black neighborhood. The story reveals a slice of the trainmen's social and cultural life, with all its warm hospitality for a weary traveler. Contrastingly, the story also depicts the cold reality of dangerous racial tensions and oppression within the black community.

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121. In *Boy on a Train*, the black family must ride in an uncomfortable car set aside for colored passengers:

> It was hot in the train, and the car was too close to the engine, making it impossible to open the window. More than once, cinders found a way into the car and flew into the baby's eyes. . . . The car was filthy, and part of it was used for baggage. Up front, the pine shipping box of a casket stood in a corner.

ELLISON, *Boy on a Train*, *supra* note 112, at 13.

122. RALPH ELLISON, *Hymie's Bull*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 82, 82-83 [hereinafter ELLISON, *Hymie's Bull*].

123. RALPH ELLISON, *I Did Not Learn Their Names*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 89-96 [hereinafter ELLISON, *I Did Not Learn Their Names*].

124. RALPH ELLISON, *A Hard Time Keeping Up*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 97-109.

These stories, plus *Boy on a Train*, are pregnant with risky adventures and dangers which can catch a traveler unawares.[125] In spite of these challenges, Ellison introduces us to the poignancy of human interrelationships when persons of diverse backgrounds are thrown together in common, often stressful situations. Each individual has his or her own unique story, but yet each has significant points in common. Social rules and customs are bent and distorted to fit the circumstances of train travel even when the normal rules and customs favor one class or race of people over another. The black narrator in *I Did Not Learn Their Names* becomes buddies with a white bum who saved his life by stopping him from falling between two cars.[126] The relationship forces the narrator to rethink his rule for keeping a hard edge in encounters with white people.[127] When you least expect it, human kindness and care emerge, even in dire circumstances. We see our common humanity and witness what, but for the Grace of God, could be our circumstance as well.

Telling these stories can transcend human differences and evoke compassion for our fellow citizen. What we all have in common is that America has always been a nation on the move. From canal boats and river barges to wagon trains, railroads, and airplanes, we seek out new frontiers and new opportunities. We are always searching for a better way of life and

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125. In *Boy on a Train*, James' mother is accosted by the white butcher, or snack vendor, and the assault keeps the mother on a nervous edge the entire trip.

> They were the only passengers in the section of seats reserved for colored. She turned her head, looking back toward the door leading to the other car; it was time for the butcher to return. Her brow wrinkled annoyedly. The butcher had tried to touch her breasts when she and the boys first came into the car, and she had spat in his face and told him to keep his dirty hands where they belonged. . . . She hated him. Why couldn't a Negro woman travel with her two boys without being molested?

ELLISON, *Boy on a Train*, *supra* note 112, at 13-14.

126. ELLISON, *I Did Not Learn Their Names*, *supra* note 123, at 90.

127. For the narrator, that hard edge was a defense mechanism against racist travelers who refused to ride in the same car as a black traveler. He explains this posture this way:

> I was nasty sometimes, because to be decent was to appear afraid and aware of a "place." And since when you were decent they thought that you were afraid, and that you were expressing those qualities that even their schoolbooks said your race possessed, I was almost always nasty. Then Morrie had saved my life, and I tried to change.

Id. at 92.

the fulfillment of the American Dream, which informs us that anything is possible. As the train stories suggest, the bums continue to ride the rails looking for work, sometimes even though the search seems fruitless and despair and weariness threaten the human soul. Regardless, the story of America tells us that any glimmer of hope or chance will keep Americans moving toward a better and brighter day.

D. American Saga Stories

My childhood home was located in the only African-American neighborhood in Bridgewater, New Jersey. The community was established in 1921 by my great-grandparents, Frances and Amos Hobbs, and Amos' brothers, Robert and General Washington Hobbs, who had moved from Buena Vista, Georgia, as part of the great migration of black citizens leaving the Jim Crow South.[128] The official name of the community was Somerville Manor, although it has always been called Hobbstown after the large number of Hobbses who settled there. The population of the community fluctuated between two hundred and three hundred people. The economic fortunes of the inhabitants rose and fell with the times, but most were counted among the working poor. Living conditions were challenging because of a substandard housing stock and the absence of a water and sewer system. The sewer lines actually stopped not far from where the community began.

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128. The beginning of the twentieth century marked a time when many social changes, such as Jim Crow segregation law in the South and industrialization in the North, impelled many southern, rural blacks to migrate to the North. Historian Lerone Bennett, Jr., recounts the phenomenon of the Great Migration:

> It is traditional to think of the years around World War I as the onset of a major epoch of transition that was to steer blacks by many paths out of the plantation economy into the modern world. . . . The hostilities in Europe dried up the flow of poor white immigrants, and hard-pressed Northern industrialists started tapping the black industrial reserve, sending labor agents into the South to entice black workers northwards. This development awakened deep hopes in the black community, which exploded in the Great Migration to the North. Nobody knows for sure how many blacks moved north between 1915 and 1920, but estimates range from 150,000 to 500,000. A second great wave of black workers came between 1920 and 1924. By 1930 more than two million blacks had moved from the plantations of the South to the Harlems of the North.

LERONE BENNET, JR., THE SHAPING OF BLACK AMERICA: THE STRUGGLES AND TRIUMPHS OF AFRICAN-AMERICANS, 1619 TO THE 1990S, at 268-69 (1993). *See also* AUGUST MEIER & ELLIOT RUDWICK, FROM PLANTATION TO GHETTO (rev. ed. 1970).

In the 1960's the very existence of the community was threatened twice by governmental actions. First, in the early 1960's, plans were announced that a federal interstate highway would be built running north and south through that portion of New Jersey. The original site plan would in effect wipe out the Hobbstown community. All of the land in our community would be claimed by eminent domain. The community mobilized and, through contacts with various elected officials, the highway was relocated to avoid destroying the community. The second attempt to destroy the community came in the mid 1960's under President Lyndon Johnson's "Great Society" legislation. The Department of Housing and Urban Development instituted an aggressive urban redevelopment program designed to improve the housing stock in certain communities. A local governing body could declare a neighborhood or section of the municipality blighted, and funds would be made available to replace substandard housing with new homes. The only catch was that the entire section of the municipality would be declared blighted and totally razed, including good housing that met standards for health and safety. Further, all of the residents of the area would be "temporarily" removed to other locations while the redevelopment took place. The residents would then be offered new homes in the redeveloped community. In practical effect, the residences would be removed, the neighborhood torn down, and no new housing would ever be built. Through this practice, entire African-American communities were removed from many municipalities.[129] Our community vigorously opposed

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129. For a discussion of these issues, see Jon C. Dubin, *From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color*, 77 MINN. L. REV. 739 (1993). In describing the federal government's involvement and failures in creating safe and affordable housing in minority communities, Professor Dubin discovered the very phenomenon that threatened Hobbstown:

> Another initiative of the 1949 United States Housing Act, the Federal Slum Clearance and Urban Renewal Program, further exacerbated black land use inequality. Designed for the ostensibly benign purpose of eliminating urban blight, federal slum clearance uprooted and dislocated thousands of black households and then confined the displacees to segregated and inferior relocation housing. Federal highway projects produced similar results.

Id. at 754-55 (footnotes omitted). Similar research came to the same conclusions. *See* David Dante Troutt, *Ghettoes Made Easy: The Metamarket/Antimarket Dichotomy and the Legal Challenges of Inner-City Economic Development*, 35 HARV. C.R.-C.L. L. REV. 427 (2000). Professor Troutt observes:

the plan, and a more progressive plan for community improvement was instituted.[130]

I share these stories because they are prototypical of the African-American saga in this country that flows directly from the flaw in the Constitution of which Ellison speaks. The challenge has always been what to do with the African peoples who, while they are a vital part of the economic, social, and cultural fabric of America, do not fit into the American myth of equality for all. We have progressed toward social, economic, and legal justice in fits and starts with ground gained and ground lost as we have pushed toward the democratic ideal. Four of Ellison's short stories reflect different aspects of that saga as we move toward the ideals in our founding documents.[131]

> Again, the rationales of removing blight, clearing slums, and even reinvigorating downtown areas in order to attract the middle class and their employers back to cities reflected sound fiscal principles consistent with the improvement mentality that transformed cities in the early decades of the century. The inevitable choices cities made in tearing up neighborhoods, reminiscent of the choices made during federal highway construction, fell hardest on black neighborhoods. The sobriquet "Negro Removal" described how the program's highly political implementation worked to shift the ghettoes' boundaries in favor of white institutions, while increasing the population densities of black neighborhoods beyond levels imaginable even in white working-class areas.

Id. at 461-62 (footnote omitted). *See also* Quintin Johnstone, *Government Control of Urban Land Use: A Comparative Major Program Analysis*, 39 N.Y.L. SCH. L. REV. 373 (1994).

130. As a high school student I served on the Mayor's Committee to Improve Somerville Manor from approximately 1967 to 1971. Through the work of the committee, the community obtained sewer and water lines, paved streets, removal of trash and abandoned vehicles, improvement of the public playground located in the center of the community, and assistance in upgrading the housing stock.

131. These stories reflect for me Ellison's talent as a writer sharpened to a razor's edge. He uses various devices to symbolize the challenges facing African Americans in their struggle to achieve legal personhood. J. Clay Smith, Jr., *In Memoriam: Professor Frank D. Reeves—Towards a Houstonian School of Jurisprudence and the Study of Pure Legal Existence*, 18 HOW. L.J. 1, 5 (1973) and *Toward a Pure Legal Existence: Blacks and the Constitution*, 30 HOW. L.J. 921 (1987). For instance, there are stories within stories which require deeper analysis to understand Ellison's more subtle meanings. Each of these stories deserves a fuller critique than is possible in this article.

In *A Party Down at the Square*, Ellison vividly captures the horrors of a lynching in an Alabama town.[132] The black victim is tied to a stake and burned as the story's narrator, a young white visitor from the North, looks on with morbid curiosity. This vicious killing is carried out by a mob in a public place while law officials stand by in "crowd control" mode. Ellison twists the surrealness of the event by adding a wind storm, the near crash of an airplane, and the electrocution death of a white female bystander. None of this stops the crowd from its task of killing this black man for some unstated crime against the white community. In *King of the Bingo Game*, Ellison tells the story of a young black man whose poverty keeps him from obtaining medical care for his wife. The young man attends a movie theater where one of the promotions is a bingo game, in which the winner gets a chance to win a jackpot using a wheel of fortune. The young man sees the game not only as a chance to win money to provide medical care for his wife, but also as a method of obtaining some measure of control over his life in a situation where his opportunities for self-determination are limited by his position in society. Ellison's story *In a Strange Country* explores the contradictory emotions experienced by a black sailor on shore leave in Wales.[133] He is first attacked by a group of white American soldiers and then rescued by a white Welshman. The Welshman's care of the sailor's injuries and his warm hospitality is unexpected and confusing. The sailor is forced to confront his conception of racial relations as he is invited to join his Welsh host at a choral musical gathering. In *Flying Home*, Ellison tells the story of a young man whose boyhood dream of learning to fly an airplane comes true when he becomes one of the Tuskegee Airmen, the first group of blacks allowed to train to become pilots in the United States

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132. RALPH ELLISON, *A Party Down at the Square*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 3-11 [hereinafter ELLISON, *A Party Down at the Square*]. During the latter part of the nineteenth century and the first part of the twentieth century, Ida B. Wells-Barnett led a national anti-lynching campaign emphasizing the horrible story of lynching in America. *See* CRUSADE FOR JUSTICE: THE AUTOBIOGRAPHY OF IDA B. WELLS (Alfreda M. Duster ed., 1970) and Thomas C. Holt, *The Lonely Warrior: Ida B. Wells-Barnett and the Struggle for Black Leadership*, *in* BLACK LEADERS OF THE TWENTIETH CENTURY 38-61 (John Hope Franklin & August Meier eds., 1982). For a discussion of a modern day lynching, see J. Clay Smith, Jr., *Lynching at Bensonhurt: A Bibliographic Essay*, 4 HOW. SCROLL: SOC. JUST. L. REV. 97 (2001).

133. The sailor is probably a member of the United States Merchant Marine. *See* RALPH ELLISON, *In a Strange Country*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 137-146 [hereinafter ELLISON, *In a Strange Country*]. Ellison served in the Merchant Marine during World War II.

military. Todd, the young pilot, is out on a training flight when his plane hits a buzzard and crashes in a field. The pain of his injuries pales in comparison to the internal pain he feels when he realizes the crash may turn his dream into a nightmare.[134] Todd's situation seems all the more bleak when he meets Jefferson, an elderly black man who not only aids the young pilot in seeking medical attention, but also intervenes on his behalf when the white, racist landowner assaults the pilot and forces the elderly man to carry him off of his property.[135]

These stories evoke who we are as American people and includes the good, the bad, and the ugly. *A Party Down at the Square* draws us to a most shameful part of our national history and illustrates at least three critical issues. First, how could we, who claim to be a civilized nation, allow public lynchings by mobs with the sanction of government authority? Such a public, group response to racial hatred denies the rule of law which is critical to a functioning democracy. Fair legal processes as demanded by our Constitution are essential for justice to exist as a bulwark against demagoguery. Our pleas for universal human rights in other countries rang hollow when we as a society condoned such public violence.[136]

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134. Ellison uses stories within the main story to tell us about Todd's dreams of becoming a pilot. As Todd slips in and out of consciousness, we get a glimpse of his hopes and his fears:

> [T]he pain shook him and a part of him was lying calmly behind the screen of pain that had fallen between them, recalling the first time he had ever seen a plane. It was as though an endless series of hangars had been shaken ajar in the airbase of his memory and from each, like a young wasp emerging from its cell, arose the memory of a plane.

ELLISON, *Flying Home*, *supra* note 7, at 162.

135. Todd shows his contempt for members of his race who appear foolish and uneducated. *Id.* at 151-52.

136. The fight for human rights was vividly brought to the nation's attention through the Birmingham Campaign of the Civil Rights Movement during 1962 and 1963, in which segregation was attacked frontally, resulting in brutal violence against nonviolent protesters. *See* MANIS, *supra* note 73. During one protest on April 16, 1963, Dr. Martin Luther King, Jr., was arrested and thrown in jail where he wrote a passionate letter to eight white clergymen who criticized King's action. *See Letter from Birmingham City Jail*, *in* A TESTAMENT OF HOPE, *supra* note 75, at 289. King's letter points out the hypocrisy of the white religious leaders:

> In spite of my shattered dreams of the past, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause, and with deep moral concern, serve as the channel through which

Second, the deeper meaning of lynching was not in vindicating some wrong done by black victims against the mores of the society, but at base, the purpose of lynchings was to oppress through fear, as Ellison describes in his essay, *An Extravagance of Laughter*:

> Anti-Negro stereotypes were the currency through which the myth of white supremacy was kept alive, while the awe-inspiring enactment of the myth took the form of a rite in which a human victim was sacrificed. . . . This was the anthropological meaning of lynching, a blood-rite that ended in the death of a scapegoat whose obliteration was seen as necessary to the restoration of social order. Thus it served to affirm white goals and was enacted to terrorize Negroes.[137]

This fear became deep-seated in the Afro-American psyche and colored every interaction held with white persons, especially those in authority. What is not totally understood by the rest of America is that, even today, an African American enters every situation with a question: Will I be treated fairly with grace and dignity or will I confront hate and vengeance? So we wonder: Will the taxicab stop, will the waitress serve me, will the hotel give me service, will I get the loan, will the teacher treat me as an intellectual equal? This is the continuing saga of far too many parties on the square.[138]

And finally, the story draws into question the impact such parties have on the white participants. What must such violence do to those who lynch

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> our just grievances would get to the power structure. . . . In the midst of blatant injustices inflicted upon the Negro, I have watched white churches stand on the sideline and merely mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard so many ministers say, "Those are social issues with which the gospel has no real concern," and I have watched so many churches commit themselves to a completely otherworldly religion which made a strange distinction between body and soul, the sacred and the secular.

Id. at 299.

137. RALPH ELLISON, *An Extravagance of Laugher*, *in* GOING TO THE TERRITORY, *supra* note 36, at 145, 177.

138. For a consideration of modern-day lynchings, see J. Clay Smith, Jr., *The Lynching at Howard Beach, An Annotated Bibliographic Index*, 12 NAT'L BLACK L.J. 29 (1990) and *Lynching at Bensonhurst: A Bibliographic Essay*, 4 HOW. SCROLL: SOC. JUST. L. REV. 97 (2001).

and those who watch with stunning glee?[139] In an attempt to dehumanize the victim, those who lynch must also be dehumanized and the core of their souls scorched by the fires of their hatred. In Ellison's story, the black victim cries out for relief by a swift death, but the response is one of no mercy as gasoline is added to the conflagration:

> And it came back through the flames in his nigger voice: "Will one a you gentleman please cut my throat?" he said. "Will somebody please cut my throat like a Christian?" And Jed hollered back, "Sorry, but ain't no Christians around tonight. Ain't no Jew-boys neither. We're just one hundred percent Americans."[140]

Within his tortured pain, the victim appeals to the code of the "Southern Gentleman" and to the tenets of America's mainline religious faith. The response redefines American-ness at an inhuman level and shows us at our worst. Here, white supremacy and racial hatred are so deeply rooted that fundamental moral values are sacrificed at the alter of human decency and justice. The story illuminates the dark chasm that must be crossed in order for racial reconciliation to take place. Racism must be rooted out at the core of our hearts and minds.

The story *King of the Bingo Game* can be read as a story about class struggle in a society or a world where medical care is determined by economic ability to afford such care. This is particularly true when medical care is controlled by powerful corporate medical interests. The ability to obtain adequate and affordable medical care determines one's quality of life and longevity.[141] When medical care is out of reach for the bingo player in the story, he places himself at the mercy of luck and chance, hoping to win big. While he hits the right numbers to win, he loses because his very actions in playing the game (he refuses to let go of the button which controls the spinning wheel of fortune) causes his disqualification and his forced removal from the stage.

The story reflects a quintessential human and American drive. The

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139. ELLISON, *A Party Down at the Square*, *supra* note 132, at 10.

140. *Id.* at 8.

141. Vernellia R. Randall, *Racist Health Care: Reforming an Unjust Health Care System to Meet the Needs of African-Americans*, 3 HEALTH MATRIX J. L.-MED. 127 (1993); Vernellia R. Randall, *Slavery, Segregation and Racism: Trusting the Health Care System Ain't Always Easy!* An African American Perspective on Bioethics, 15 [No. 2] ST. LOUIS U. PUB. L. REV. 191 (1996).

economic aspect of the American Dream is to strike it rich, to hit the big time and to secure financial security through the rich abundance that the American way of life offers. We have the spirit of the forty-niners who went to California to search for the big gold strike. We buy a dollar lottery ticket for a one-in-seven-million chance to become instant millionaires.[142] We send in our Publishers Clearinghouse numbers and gamble at the racetrack or at the casino. But our dreams of big riches evaporate in the smoke of an economic system where wealth is generated by the owners of capital and not usually by those who do the day-to-day labor of our economic system.[143]

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142. Storyteller Valerie Tutson tells a lottery success story in her historical tale about Duchess Quamino, a pastry chef who purchased her freedom selling cakes and pies during the latter half of the 1700's in Newport, Rhode Island. Ms. Tutson presented a workshop entitled, "Searching for Duchess," at the 2001 National Storytelling Network Annual Conference in Providence, Rhode Island from July 11-15, 2001. Her extensive historical research uncovered the following information:

> The daughter of an African prince, she [Duchess Quamino] was taken from her home in Guinea, to Barbadoes before becoming the property of Newport merchant John Channing. She lived in his house and worked for him. As a young woman she met and married John Quamino. This young man from Anamabo, West Africa (now Ghana) had been sent by his father to be educated in the colonies. He was tricked by the captain and sold into slavery, arriving in Newport in 1753 or 54. . . . In 1773, John *won his freedom in the lottery* . . . .

Valerie Tutson, Searching for Duchess, Story, Stone, and Shore: The National Storytelling Conference Comes to New England, Providence, RI, at 85 (July 11-15, 2001) (emphasis added) (conference notebook on file with author). The lottery described by Ms. Tutson was a state lottery.

143. A contrary story to this scenario is told about Madam C.J. Walker, by her great-great-granddaughter, A'Lelia Bundles in her biography. Madam Walker, who lived from 1867 to 1919, was an entrepreneur whose capitalistic pursuits had a larger purpose, as Ms. Bundles describes:

> As a pioneer of the modern cosmetics industry and the founder of the Madam C.J. Walker Manufacturing Company, Madam Walker created marketing schemes, training opportunities and distribution strategies as innovative as those of any entrepreneur of her time. As an early advocate of women's economic independence, she provided lucrative incomes for thousands of African American women who otherwise would have been consigned to jobs as farm laborers, washerwomen and maids. As a philanthropist, she reconfigured the philosophy of charitable giving in the black community with her unprecedented contributions to the YMCA and the NAACP. As a political activist, she dreamed of organizing her sales agents to use their economic clout

Needless to say, capital formation within the black community has historically been stunted by a system of racialized laws and business practices which make economic self-sufficiency a challenge. Housing discrimination, lending discrimination, lower wages and underemployment, predatory consumer practices by retailers, community dislocation, land loss by farmers, and a litany of other laws and customs drain the black community of economic sustenance, leaving "bingo" hopes as the primary dream post for those seeking an economic boost in their standard of living.[144]

Pinning one's hopes and dreams on a bingo game demonstrates another aspect of Ellison's story and our own American saga. Within a land of rich abundance, there are classes of people whose grinding poverty crushes hopes and brings deep despair. It is only in playing the game that hope lives and some sense of control over one's destiny is obtainable. Even if the sense of control and self-determination is a false sense, it is grasped tightly like a life raft. "'Live, Laura, baby. I got holt of it now, sugar. Live!,'" the bingo player screams as if sheer will can heal his wife's ailments.[145] For in that moment, the player is the "Bingo King" and stands with dignity and majesty as "[t]he-man-who-pressed-the-button-who-held-the-prize-who-was-the-King-of-Bingo."[146] Unfortunately, in the removal from the stage, it is as if his momentary place in the sun is quashed and his hopes and dreams of obtaining the economic ability to meet at least some of his wife's medical needs are counted as inconsequential. He and his dreams are cast to the dung heap of life—an aspect of the American saga which is replicated in far too many African-American lives.

In a Strange Country depicts the contradiction of race and place. For Ellison, the concept of geography as fate is essential to his inquiry about the

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> to protest lynching and racial injustice. As much as any woman of the twentieth century, Madam Walker paved the way for the profound social changes that altered women's place in American society.

A'LELIA BUNDLES, ON HER OWN GROUND: THE LIFE AND TIMES OF MADAM C.J. WALKER, 15-16 (2001).

144. See Creola Johnson, *Welfare Reform and Asset Accumulation: First We Need a Bed and a Car*, 2000 WIS. L. REV. 1221 (2000), for a discussion on developing economic self-sufficiency for those in the lowest income bracket and in poverty.

145. RALPH ELLISON, *King of the Bingo Game*, *in* FLYING HOME AND OTHER STORIES, *supra* note 5, at 123, 133.

146. *Id.*

American story.[147] We are who we are based on where we live and where we are *from*. Our geographical markers in part determine our world view and construct within us cultural icons which stir our spirit.[148] So when the story's main character hears a voice from home, he immediately wells up with a familiar sense of his place in the world while in a strange country. Those compatriots show him his *place* in American society in a flurry of racial violence. Yet when the Welshmen sing the Star-Spangled Banner, he is overcome with national pride and the symbolic meanings of the national anthem.

The story suggests that we often have to leave home to find home. It is when we confront the familiar in a different setting that we come to more fully appreciate our own heritage and our worth as human beings. While the white Americans physically assault Parker, Welshmen from a variety of social and economic backgrounds welcome him by sharing their cultural heritage with him and by honoring Parker's American heritage in singing the Star-Spangled Banner. The international language of music breaks down the barriers Parker has built against all white persons.[149] Parker's own humanity and worth are validated when the Welshmen compliment his

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147. Ellison saw the relationship between the place where one was physically located and the content of one's freedom and, necessarily, access to the full rights of citizenship. In considering the status of emancipated slaves after the Civil War, he observed:

> As slaves they had long been aware that for themselves, as for most of their countryman, *geography was fate*. Not only had they observed the transformation of individual fortune made possible by the westward movement along the frontier, but the Mason-Dixon Line had taught them the relationship between geography and freedom. They knew that to be sold down the Mississippi River usually meant that they would suffer a harsher form of slavery. And they knew that to escape across the Mason-Dixon Line northward was to move in the direction of a greater freedom. . . . For the slaves had learned through the repetition of group experience that freedom was to be attained through geographical movement, and that freedom required one to risk his life against the unknown. And geography as a symbol of the unknown included not only places, but conditions relating to their racially defined status and the complex mystery of a society from which they'd been excluded.

ELLISON, *Going to the Territory*, *supra* note 72, at 131 (emphasis added).

148. *See* RALPH ELLISON, *The Myth of the Flawed White Southerner*, *in* GOING TO THE TERRITORY, *supra* note 36, at 76-87.

149. ELLISON, *In a Strange Country*, *supra* note 133, at 144.

singing and indicate that he would be a welcomed member of their singing club.[150]

Ellison's story highlights the duality of being both black *and* American. The cultural markers of our place impact how we experience and interpret the American saga. This is the internal complexity that DuBois spoke of when he said, "One ever feels his twoness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder."[151] This is part of the American story that is still so little understood by those who are not black. It is manifested in the notion that we are all one monolithic America, one giant melting pot. But that is one of our American myths.[152] America has always been a place where diverse peoples and cultures have come together, mixed and mingled, and created a spectrum of social relationships. We are united by some very universal values, such as the inalienable rights described in our organic documents. Yet, we are multicultural, and our individual makeups are unique and special. Sharing our individual stories about our unique portions of the American saga can only lead to, first, understanding of cultural, social, and racial differences, and then, mutual acceptance and respect.[153]

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150. Parker is deeply moved by the warm cordiality offered to him in sharp contrast to the violence he received from his countrymen. The acknowledgment of his humanity is overwhelming:

> "Why, if he'd stay in Wales, I wouldn't rest until he joined the club," Mr. Morcan said. "What about it, Mr. Parker?"
>
> But Mr. Parker could not reply. He held Mr. Catti's flashlight like a club and hoped his black eye would hold back the tears.

Id. at 146.

151. DUBOIS, *supra* note 18, at 45.

152. *See* FAIR, *supra* note 16.

153. DuBois also teaches about this point when he urges us to use the best of what we bring from our diverse worlds to make a better, truer America in terms of our stated ideals:

> Freedom, too, the long-sought, we still seek,—the freedom of life and limb, the freedom to work and think, the freedom to love and aspire. Work, culture, liberty, —all these we need, not singly but together, not successively but together, each growing and aiding each, and all striving toward that vaster ideal . . . of human brotherhood, gained through the unifying ideal of Race; the ideal of fostering and developing the traits and talents of the Negro, not in opposition to or contempt for other races, but rather in large conformity to the greater ideals of the American Republic, in order that some day on American soil two

In *Flying Home*, Ellison presents a story with extraordinarily deep symbolism and multi-layered meanings.[154] Within its textured nuances, each reader or hearer of the story may grasp his or her own meaning and derive lessons of individual value. Ellison presents one historical aspect of the Tuskegee Airmen story and the valiant struggle to prove that black airmen could make a significant contribution to the effort to gain victory in World War II.[155] Todd, the black airman, also is presented in relationship to Jefferson, a black elder whose wisdom is evident and shared freely with

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world-races may give each to each those characteristics both so sadly lack.

DUBOIS, *supra* note 18, at 52.

154. In a critique of Ellison's work, scholar Arthur P. Davis notes the complexity of Ellison's *Flying Home* and how this work presages the monumental novel, *Invisible Man*:

> In this short fiction we have an introduction to the techniques Ellison was later to use superbly in his novel. A narrative concerning an incident in the Air Force school for Negro pilots in the Deep South, the work makes use of realistic details, a flashback technique, the Greek myth of Icarus, a Negro folk story, and miscellaneous symbols of the modern world. Ellison makes the whole story an extended metaphor of the Negro's place in American society.

ARTHUR P. DAVIS, FROM THE DARK TOWER: AFRO-AMERICAN WRITERS 1900 TO 1960, at 209 (1981).

155. The Tuskegee Airmen made history as the first blacks to fly for the United States military and served with distinction in World War II. Their story is a vital part of the American saga. Lieutenant Colonel Charles W. Dryden, United States Air Force (retired), gives an account of this story in his book, A-TRAIN: MEMOIRS OF A TUSKEGEE AIRMAN (1997):

> Due to the rigid pattern of racial segregation that prevailed in the United States during World War II, just short of one thousand, i.e. 992, Black military aviators were trained at an isolated training complex near the town of Tuskegee, Alabama, and at Tuskegee Institute. Four hundred and fifty Black fighter pilots under the command of Colonel Benjamin O. Davis, Jr., fought in the aerial war over North Africa, Sicily and Europe flying, in succession, P-40, P-39, P-47 and P-51 type aircraft. These gallant men flew 15,553 sorties and completed 1,578 missions with the 12th Air Force and the 15th Air Force. Colonel Davis later became the U.S. Air Force's first Black general and rose to the rank of Lieutenant General.
>
> . . . White American bomber crews reverently referred to them as "The Black Redtail Angels" because of the identifying red paint on their tail assemblies and because of their reputation for not losing bombers to enemy fighters as they provided fighter escort to bombing missions over strategic targets in Europe.

Id. at xi.

Todd. Todd, who sees himself as a cut above other blacks because of his higher aspirations, must come to terms with his feelings about other blacks over whom he assumes a superiority. The story is also a lament about the pressures felt by African Americans when they are a "first" to do anything. There is a deep sense of obligation to the race and a fierce determination not to fail. Ellison broadens the scene by including the struggle for justice in voting rights.[156] Within a dream sequence brought on by the pain of Todd's broken ankle, Ellison juxtaposes Todd's dream of flying with a threatening note, dropped from a circling airplane, which warns all blacks to stay away from the polls.[157]

Flying Home also brings Ellison squarely into the realm of the oral storyteller. He borrows richly from African-American folklore, using story and image to create a cultural texture that derives from Africa. One can first speculate about the title of the story. Why *Flying Home*? The idea comes from the oral tradition that says that Africans who had then recently arrived on slave ships could fly home to Africa.[158] In his book, *Tribal Talk: Black*

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156. *See* FRANK R. PARKER, BLACK VOTES COUNT: POLITICAL EMPOWERMENT IN MISSISSIPPI AFTER 1965 (1990); WEBB & NELSON, *supra* note 73; GRAY, *supra* note 73, at 219-26.

157. The delusion brought on by the hot sun and the pain of the injury depicts a younger Todd walking with his mother as a circling plane drops a bunch of leaflets:

> And he was watching as she took the card away seeing her face grow puzzled and turning taut as her voice quavered, "Nigger Stay from the Polls," and died to a moan of terror as he saw the eyeless sockets of a white hood staring at him from the card and above he saw the plane spiraling gracefully, agleam in the sun like a fiery sword. And seeing it soar he was caught, transfixed between a terrible horror and a horrible fascination.

ELLISON, *Flying Home*, *supra* note 7, at 169-70.

158. The story motif of Africans flying home to Africa continues to be a popular one in Afro-American literature.

> Ellison is also one of the writers who adopts the motif of flying Africans into his work. This oral story asserts that a certain tribe of Africans had the ability—if they were enslaved and brought to the new world—to utter magic words and fly back to Africa. Another version of the story maintains that the magic words enabled any African to return who had not drunk water in the New World. And yet another version maintains that the magic words would allow almost anyone—not just those from a special tribe—to fly back to Africa.

THE OXFORD COMPANION TO AFRICAN AMERICAN LITERATURE 284 (William L. Andrews et al. eds., 1997). The motif also appears in PAULE MARSHALL, PRAISESONG FOR THE WIDOW (1983), TONI MORRISON, SONG OF SOLOMON (1977), JULIUS LESTER, BLACK

Theology, Hermeneutics, and African/American Ways of "Telling the Story," Professor Will Coleman explores the importance of slave narratives as a source of understanding African-American spirituality and its roots in an African cosmology and notes the strength of African influence on our world view:

> Nevertheless, among African Americans it was commonly believed that the West African was an expert in magic and that some could even fly back to Africa. Therefore, although the religion of West Africans in the Americas was both syncretistic and pluralistic, it was held that there was a core or essence reserved for one who was a native of Africa. For example, the practice of magical flight back to Africa was the prerogative of someone who had recently arrived as a slave (commonly known as "saltwater Africans"). Those who had recently come from Africa were in special possession of this power; as nonconformers, they could take the magical journey back to "the Motherland."[159]

Ellison draws from this oral tradition and connects Todd's dream of flying to an ancestral memory, thereby demonstrating that it is not crazy for a black to want to fly.[160]

Next, the elderly Jefferson continues the flying motif by telling a tall tale about going to heaven, getting wings, and flying all over heaven only to be kicked out for flying too high and fast. In that story, Negroes were not supposed to fly at all, having had one of their wings tied behind their backs. The oral tale then becomes a metaphor for the Tuskegee Airman who fell

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FOLKTALES (1969), and *The People Could Fly*, *in* VIRGINIA HAMILTON, THE PEOPLE COULD FLY: AMERICAN BLACK FOLKTALES 166 (1985).

159. WILL COLEMAN, TRIBAL TALK: BLACK THEOLOGY, HERMENEUTICS, AND AFRICAN/AMERICAN WAYS OF "TELLING THE STORY" 36-37 (2000) (citations omitted).

160. In Ellison's story, Graves, the white landowner who is out searching for his deranged cousin, has the attendants from the insane asylum put Todd in a straitjacket. Graves believes this is appropriate:

> This nigguh belongs in a straitjacket, too, boys. I knowed that the minnit Jeff's kid said something 'bout a nigguh flyer. You all know you caint let the nigguh git up that high without his going crazy. The nigguh brain ain't built right for high altitudes. . . .

ELLISON, *Flying Home*, *supra* note 7, at 171.

from grace while trying to be something that society declared he could not be.[161]

Finally, Ellison tightly wraps the story around the symbol of the buzzard, an image rich in meaning and deeply a part of the American saga. Ellison immediately connects the buzzard to Jim Crow, the symbol of American racial apartheid which made blacks less then second-class citizens after the end of Reconstruction.[162] Further, while the buzzard is a symbol of a bird which eats only dead things and within our lexicon a black buzzard is a derogatory word for black people, Todd exclaims, "Maybe we are a bunch of buzzards feeding on a dead horse, but we can hope to be eagles, can't we? *Can't we?*"[163] Again, our saga's main objective is to rise above the low estate assigned to us by a racist society and to achieve the full potential of our humanity.

At an even deeper level, I suspect, that Ellison was using the buzzard as a symbol derived from an older African-American tale called *The King Buzzard.*[164] This story is recounted in Professor Sterling Stuckey's *Slave Culture: Nationalist Theory and the Foundations of Black America*[165] and recounts the tale of an African chief who tricked other Africans into slavery. The chief himself was later enslaved by the same slave traders. When the chief died, neither heaven nor hell wanted him, and the chief's spirit was consigned to travel forever in the form of a buzzard-eating carrion. The buzzard was then seen as symbolizing a traitor, as the chief was to his people he had tricked into slavery.[166] For Todd, it is a buzzard

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161. *See* DAVIS, *supra* note 154, at 209.

162. For an extended study of the Jim Crow era, see C. VANN WOODWARD, THE STRANGE CAREER OF JIM CROW (3d rev. ed. 1974).

163. ELLISON, *Flying Home*, *supra* note 7, at 161.

164. Although I have no independent evidence that this was Ellison's intent, my assumption is based on a sense that Ellison was very familiar with black folklore (and *The King Buzzard* is not an obscure tale).

165. STERLING STUCKEY, SLAVE CULTURE: NATIONALIST THEORY AND THE FOUNDATIONS OF BLACK AMERICA 4-6 (1987). Professor Stuckey utilizes a version of this story found in a collection by E.C.L. ADAMS, NIGGER TO NIGGER 12 (1928).

166. Professor Stuckey suggests that the oral story of the buzzard was one that existed in many parts of West Africa and had a universal quality to it:

> The King Buzzard experience occurred prior to the nineteenth century, for one of the storytellers says his father made reference to 'dat ole thing' occurring ''way back in slavery time—'way back in Africa.' Since the tale was alive over generations in South Carolina, the character of black life there, with its movement away from ethnic allegiance, perhaps explains why no explicit

that betrays his attempt to fly like an eagle. Describing the point of impact, Todd "[remembers] how the blood and feathers had sprayed back against the hatch. It had been as though he had flown into a storm of blood and blackness."[167] Too often, attempts by African Americans to advance have been thwarted by other blacks who have smashed our aspirations because of their own insecurity, greed, or need to be the "Head Negro In Charge."[168]

To tell these stories is to lay bare the soul by sharing the too-often painful experience of black participation in the American saga. The stories simultaneously showcase the beauty of the human spirit as it triumphs over adversity and the darkness of the human soul motivated by the evil of racial hatred. Hearing these stories gives us insight into our current social dynamics by exposing the checkered history of the American drama as we try to live out our constitutional ideals of liberty, equality, and human dignity. The stories offer us the opportunity to consider who we are as a people and to reflect with a clarity that can allow us to "know our souls," as the poet Claude McKay would declare.[169]

Within these stories also lies hope rising out of despair. The characters and the storylines remind us that we do not have to be bound by the limitations of a social system that is bent on assigning certain limited roles to specific classes of persons. A black boy or girl can dare to dream, actively pursue that dream, and fly to heights unimaginable if we do not limit ourselves to the nightmares of buzzards. The stories verify an

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> mention was made of a specific tribe, for the condemnation of the traitor related to all Africans suffering the humiliation and degradation of the slave trade and slavery.

STUCKEY, *supra* note 165, at 6.

167. ELLISON, *Flying Home*, *supra* note 7, at 155.

168. Being stymied by one's own people is a phenomenon of long distinction in the black community, as the following definition of this often pejorative term suggests:

> Head Nigga in Charge; a Black person in charge, in a position of authority and/or leadership. A pejorative term that references a historical tradition dating back to enslavement, whereby whites selected Black leaders and authority figures and put them in charge of other Blacks to keep them in line. An ironic, SIGNIFYIN phrase suggesting that the "head nigga" is not really in charge of anything meaningful, or that he/she lacks power . . . .

GENEVA SMITHERMAN, BLACK TALK: WORDS AND PHRASES FROM THE HOOD TO THE AMEN CORNER 164 (rev. ed. 2000).

169. Claude McKay, *I Know My Soul*, *in* HARLEM SHADOWS: THE POEMS OF CLAUDE MCKAY 46 (1922).

admonition given to minority law professors by Dean Rennard Strickland:

> In making your plans, do not think small, do not allow yourself to be confined to the narrow, provincial confines of one institution. Or to too small of a dream. Do not be relegated to the back ring, to a second-rate sideshow. Do not let others use their stereotypes to limit your vision. Seize the center ring as your own. It belongs to us just as much as it belongs to anyone else.[170]

CONCLUSION

In his eulogy to the great visual artist Romare Bearden, Ellison recounted the special nature of their friendship and how Bearden challenged and inspired Ellison "to make some practical sense of the relationship between art and living, between ideas and the complex details of consciousness and experience."[171] Through art, one is capable of drawing upon the richness of life's experiences and sharing those experiences with others.[172] Ellison's short stories expose us to a slice of American life shaped by the constitutional drama that continues to move us toward the ideals of our nation's organic documents. While the ideals of democracy, freedom, justice, and human dignity are the themes of the drama, the storylines are shaded by injustice, fear, violence, and racial hatred. Yet the drama of Ellison's characters touch us with hope, determination, and a sense of confidence that the human will and spirit will bring forth that day when the ideals become realities.

As an academic lawyer, I am reminded by Ellison's work that the lawyer's role is to pursue justice—legal, economic, and social justice.[173]

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170. Rennard Strickland, *Scholarship in the Academic Circus or the Balancing Act at the Minority Side Show*, 20 U.S.F. L. REV. 491, 502 (1986).

171. RALPH ELLISON, *Bearden*, *in* COLLECTED ESSAYS, *supra* note 4, at 829, 831 [hereinafter ELLISON, *Bearden*].

172. Ellison insisted that experience was essential to informing the artist's work. He said of himself and Bearden, "Each of us was concerned with the relationship between artistic technique and individual vision, and we were especially concerned with the relationship between our racial identity, our identity as Americans, and our mission as writer and artist." *Id.* at 833.

173. The Preamble of the American Bar Association Model Code of Professional Responsibility (which was subsequently replaced by the Model Rules of Professional Conduct) is still vitally relevant to today's lawyers:

Moreover, the lawyer's role can be enhanced by an understanding of story and storytelling, as Professor Gerald Lopez urges:

> Human beings think about social interaction in story form. We see and understand the world through "stock stories." These stories help us interpret the everyday world with limited information and help us make choices about asserting our own needs and responding to other people. These stock stories embody our deepest human, social and political values. At the same time, they help us carry out the routine activities of life without constantly having to analyze or question what we are doing. When we face choices in life, stock stories help us understand and decide; they also may disguise and distort. To solve a problem through persuasion of another, we therefore must understand and manipulate the stock stories the other person uses in order to tell a plausible and compelling story—one that moves that person to grant the remedy we want.[174]

As discussed earlier, telling stories is the very heart of legal advocacy.[175] The skill is to find the deeper meaning in the stories that reflect our historical and social experience and to persuasively convey that meaning in

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> The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.
>
> Lawyers[,] as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system.

PROFESSIONAL RESPONSIBILITY STANDARDS, RULES & STATUTES, 387 (John S. Dzienkawski ed., 2000) (footnote omitted).

174. Gerald P. Lopez, *Lay Lawyering*, 32 UCLA L. REV. 1, 3 (1984). Professor Lopez focuses on problem-solving as a process which requires an understanding of what each person means when they tell their stories and how we come to understand the variety of meanings that inform a story. He does not specifically define "stock story" except to explain that it is a way to describe a "knowledge structure." *Id.* at 3 n.1.

175. *See supra* text accompanying notes 20-25.

the pursuit of justice.[176]

From Ellison's perspective, the stories of our children must be told, and particularly told by legal advocates, because children are the citizens most at risk and vulnerable.[177] The children need our advocacy when families break down, when children are abused and neglected, or when their delinquency forces them into the criminal (in)justice system.[178] The stories of children are heard within our educational systems, which fail to equip our children for the challenges of tomorrow. Tales of woe are also heard about the scarcity of adequate and sufficient healthcare for children who lack access to medical facilities.[179]

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176. This challenge has been addressed in a special symposium entitled *Lawyering for Poor Communities in the Twenty-First Century*, sponsored by the Stein Center at Fordham University School of Law. The proceedings are published in 25 FORDHAM URB. L.J. 673 *et seq.* (1998). In considering the importance of lawyer participation in the pursuit of economic and social justice, Professor Lynn M. Kelly urges:

> Finally, I am concerned that we make every effort to keep a vibrant community of lawyers engaged in poverty law. By this I mean that we bring in law students, new attorneys, and pro bono volunteers and retain poverty law experts to mentor them on creative problem solving for poor clients. Legal services attorneys have been doing a lot with a little for a very long time and they should be applauded for it. We need to keep them engaged in the work because it is the combination of expertise and new energy that will drive the best coalition and lawyering work on behalf of the poor in the decade to come.

Lynn M. Kelly, *Lawyering for Poor Communities on the Cusp of the Next Century*, 25 FORDHAM URB. L.J. 721, 729 (1998).

177. See Evett L. Simmons et al., *Lost Children—Lost Future*, 15 [No. 4] NAT'L BAR ASS'N MAG., July/August 2001, at 16, for a discussion of legal issues facing our children and requiring a response from legal advocates.

178. *Family Law Quarterly*, published by the American Bar Association Section on Family Law, recently released a special symposium issue, *New Perspectives on Child Protection*, 34 FAM. L.Q. 301 *passim* (Fall 2000). The issue contains many articles on improving the representation of children.

179. For a comprehensive analysis of the many issues facing our children, see CHILDREN'S DEF. FUND, THE STATE OF AMERICA'S CHILDREN: A REPORT FROM THE CHILDREN'S DEFENSE FUND, YEARBOOK 2001 (2001). A longtime child advocate, Marian Wright Edelman offers a call to our nation to advocate for the needs of our children:

> It's time to redefine the measure of success at this turning point in history. It's time to lead our children our of the wilderness of poverty, violence, greed, selfishness, triviality, banality, and materialism into a promised land of hope and opportunity and community. We can do this by setting forth a comprehensive national vision of what it means to Leave No Child Behind; by

Stories of poverty and need impact not only children but also their parents. Opportunities for productive work at a living wage are still difficult to attain because of barriers of race and insufficient educational training. This is especially true for black fathers, who are further subject to the penal system in disproportionate numbers, higher death rates, substandard healthcare, and negative stereotypes.[180] From Ellison's perspective we still have modern-day hobos whose homelessness pushes them to the margins of existence. These citizens, trapped in the grip of poverty, need our advocacy to create economic opportunities and promote self-determination.[181] Their situations are made more precarious by discriminatory credit and financing practices, which drain needed economic resources and limit financial options.[182] Again, healthcare is a main factor in the quality of life as HIV/AIDS strikes our community in devastating

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> breaking the vision down into manageable goals for action each year; by building a visible, persistent, and powerful witness of presence in support of sensible and just policies for children; and by organizing powerful well trained grassroots and grasstops networks.

Id. at xvi. While a fuller discussion of Marian Wright Edelman's vision is beyond the scope of this article, her suggestions are indeed worthy of review and consideration by all who care about children.

180. For a counter story to this negative tale of woe, see essays and personal narratives in SPEAK MY NAME: BLACK MEN ON MASCULINITY AND THE AMERICAN DREAM (Don Belton ed., 1995).

181. For examples of economic justice advocacy for the poor and homeless, see William H. Mellor & Patricia H. Lee, *Institute for Justice Clinic on Entrepreneurship: A Real World Model in Stimulating Private Enterprise in the Inner City*, 5 J. SMALL & EMERGING BUS. L. 71 (2001); Susan R. Jones, *Representing the Poor and Homeless: Innovations in Advocacy Tackling Homelessness Through Economic Self-Sufficiency*, 19 ST. LOUIS U. PUB. L. REV. 385 (2000).

182. For a discussion of how credit practices impact housing choices, see Darnellena Christie Burnett, *Justice in Housing: Curbing Predatory Lending*, 15 [No. 2] NAT'L BAR ASS'N MAG., March/April 2001, at 14. Burnett demonstrates the great need for legal advocacy in this area:

> If you are concerned about civil rights and economic justice, you should be aware of predatory lending. Predatory lending entails onerous practices and loan terms, or a combination thereof, which are abusive or leave the borrower vulnerable to such abuse. The abuse can be achieved through misinformation, . . . and/or implementing deceptive or fraudulent means. This abuse can erode revitalization efforts, strip homeowners of their equity, as well as trigger other social problems. Foreclosure and bankruptcy are just a few of the consequences of predatory lending.

Id.

numbers.[183] The legal conundrums faced by those afflicted with HIV and AIDS, as well as their families, call for assistance in weaving through the legal mazes of healthcare, employment, and housing.

Still, Ellison's perspective reminds us of the rich fullness of the American experience. This is where little boys and little girls can dream of stretching their wings and flying like eagles, not constrained to the dead fare of buzzards.[184] This is also where it is possible for stories from diverse cultures to be warmly shared with a universal understanding of the value of each individual. We who are guardians of our system of law and justice can aid in the resolution of disputes and the building of an American community worthy of her original ideals.[185]

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183. The epidemic of human imunodeficiency virus and acquired-immuno deficiency syndrome (HIV/AIDS) has devastated the African-American community. In a recent news article highlighting an AIDS awareness campaign in Alabama, the following statistics were reported: "While slightly less than 25 percent of Alabama's population is black, they made up nearly 70 percent of Alabama's new AIDS cases last year. . . . Last year in Alabama, black men represented 44.4 percent of new cases and black women accounted for 25.9 percent." Kim Chandler, *AIDS Campaign Starts: Program Aims at Alabama's Blacks*, THE BIRMINGHAM NEWS, Aug. 14, 2001, at 1B. Some African Americans even believe that the epidemic is a conspiracy of the federal government to eliminate the black community. *See* Elizabeth A. Klonoff & Hope Landrine, *Do Blacks Believe That HIV/AIDS Is a Government Conspiracy Against Them?*, 28 PREVENTIVE MED. 451 (1999).

184. Jay Stailey and Dr. Ruby Payne, both public school educators, explore the power of stories as a tool for working social and economic justice in their book, THINK RATHER OF ZEBRA: DEALING WITH ASPECTS OF POVERTY THROUGH STORY (1998). In her Introduction, Dr. Payne noted, "As I began to travel and do workshops on poverty, many people asked how we can teach the hidden rules, the basic understandings that an individual needs to know in order to be successful in the world of school and work. I suggested that 'story' would be the natural vehicle." *Id.* at viii.

185. Building community and peacefully resolving disputes between people was at the core of Margaret Read MacDonald's purpose when she collected stories for her book, PEACE TALES: WORLD FOLKTALES TO TALK ABOUT (1992). She expressed her hopes for advancing the cause of peace thus:

> In studying the world's folktales I have come to the conclusion that these tales present a mirror of the mind of mankind. Throughout history, and wherever humans reside on this planet, their tales speak repeatedly of the same concerns, and reach similar conclusions. In the past mankind's tales have stressed trickery and power more often than conflict resolution. Is it possible that by changing the tales we tell we can change our warring nature? It is worth a try.

Id. at 102.

For this oral storyteller, Ellison's works provide nutritious sustenance for developing and telling stories that are grounded in the African-American experience. His example reminds me that law and legal cases are symbols for the dramatic experiences of our everyday lives. Telling stories flavored by the law teaches us about the possibilities of justice, equality, and human dignity. Storyteller and lawyer Sharon Creeden, in her book, *Fair is Fair: World Folktales of Justice*,[186] challenges us to seek a deeper understanding of law's grounding in justice. She describes her reasons for collecting these tales:

> Laws change from state to state, from year to year, from case to case to meet circumstances and shifts in opinions. It is precisely this changing, complex nature that caused me to decide against making this book about law.
>
> Instead, I have selected stories that say something about justice, because, behind—or perhaps above—all laws is the ideal of justice. Justice is enduring and does not alter with a new administration or political whim. Although everyone is confused about the law, no one is confused about justice. The hunger for justice and the recognition of justice is in every heart. Every small child cries, "Hey, that's not fair!"[187]

While I might argue that sometimes we are even confused about justice, we nonetheless believe that the pursuit of justice is an integral part of the American saga.

The art of storytelling, then, is a medium by which we can continue to pursue Dr. King's dream of justice for America. Moreover, storytelling provides a window into our own souls where we can "dream awake," to use Laura Simms' term,[188] and discover our own vision of the contours and content of that dream. This merging of art form, experience, and intent is the hallmark of Ellison's storytelling legacy, as he described it in praising the life of Bearden:

> Thus each of us decided in his own way to find the artistic means with which to express our complex sense of American and Afro-

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186. SHARON CREEDEN, FAIR IS FAIR: WORLD FOLKTALES OF JUSTICE (1994).
187. *Id.* at 24.
188. *See supra* text at note 30.

> American variety and diversity, discord and unity, and we decided that to do this one had to draw upon one's own unique experience. One had to discover one's means and direction by going into the self, and by identifying one's self with all that claimed one's respect and aroused one's sense of wonder. In brief, we came to believe that it was the role of the artist to confront and impose his own artistic sense of order upon the world.[189]

189. ELLISON, *Bearden*, *supra* note 171, at 835.