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SYMPOSIUM INTRODUCTION

*Steven H. Hobbs**

So I say to you, my friends, that even though we must face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream that one 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.

Dr. Martin Luther King, Jr.¹

This special symposium issue of the *Alabama Law Review* presents some of the work accomplished at the 1998 Southeast/Southwest Law Teachers of Color Conference held in Atlanta, Georgia, on May 7-9, 1998. While the conference has always been open to any law professor, its historical mission has been to provide a supportive mechanism for law teachers of color to develop new, innovative scholarship; to enhance teaching methodologies; and to consider important issues of professional development. We are grateful for the *Alabama Law Review's* providing a forum for the work of a diverse group of scholars and for

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1. Dr. Martin Luther King, Jr., I Have a Dream (1963), in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 217, 219 (James M. Washington ed., 1986).

the assistance of the University of Alabama School of Law, through the office of Dean Ken Randall, in supporting this endeavor.

The theme of the conference was "Dr. Martin Luther King's Life in Proactive Engagement: The Lawyer as Social Activist in the Community." The theme was inspired by the memory of Dr. King on the thirtieth anniversary of his death by an assassin's bullet in Memphis, Tennessee, April 4, 1968. The idea of proactive engagement mirrors Dr. King's example of actively working for the betterment of society and the achievement of social justice in the American community. Fitting it is that the *Alabama Law Review* presents an issue dedicated to the life of a man whose major life work was accomplished in the state of Alabama. As one reporter, noting his deep connections to Alabama, wrote: "Although he was born in Georgia, King spent much of his time in Alabama, leading civil rights marches and giving speeches. King was an ordained Baptist minister and in 1954 he became pastor of Dexter Avenue Baptist Church in Montgomery, a year after he married Coretta Scott, who was from Marion."²

After Rosa Parks refused to give up her seat to a white bus patron, Dr. King orchestrated the now famous Montgomery Bus Boycott which led to the desegregation of the public transportation system. In Birmingham, Dr. King and the Southern Christian Leadership Conference instituted a campaign to claim civil rights in all aspects of public life. The brutal violence experienced by the civil rights demonstrators forced the nation to confront a system of discrimination, prompting Congress to pass the 1964 Civil Rights Act. Subsequently, Dr. King worked to secure voting rights for black citizens, directing the valiant march from Selma to Montgomery. That effort led to the passage of the federal Voting Rights Act of 1965. Dr. King's remarkable life and the movement he led is chronicled at the Birmingham Civil Rights Museum.

The conference was organized around Dr. Luther D. Ivory's ground-breaking book entitled, *Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King, Jr.*³

2. Maggie Hall Walsh, "Martin Luther King in Alabama," BIRMINGHAM NEWS, Jan. 17, 1998, at B-1.

3. LUTHER D. IVORY, TOWARD A THEORY OF RADICAL INVOLVEMENT: THE THEO-

Dr. Ivory studies the biographical details of Dr. King's life and experiences, assessing the impact of his extensive education in philosophy and theology and his deep commitment to his faith. The sketch we see in this book maps a proactive process for structuring one's own life and chosen vocation. The theme provided an organizing point for our conference deliberations.

One session's discussion drew on the deep intellectual wells of such fields as philosophy, jurisprudence, and theology to ground a theoretical justification for proactive engagement. How can such intellectual work inform our current thinking on using proactive engagement to pursue social justice? What are the ethical implications for using scholarly research for promoting radical involvement in our communities? Can a case be made for developing proactive engagement theory as an integral part of legal education and scholarship?

A second session considered how lawyers and legal scholars could utilize their skills and training to work effectively for social change in our communities. How can lawyers contribute to the work of community organizations pursuing social justice and community development? What are the ethical implications of radical involvement in the struggle for change?

The Articles published herein reflect a unique blend of scholarly approaches to contemporary issues of justice. I have prepared a review essay on Dr. Ivory's book. The essay considers the content and structure of what Dr. Ivory means by a theology of radical involvement. It suggests that we can honor Dr. King's legacy by using our talents and experiences to focus critical analysis on contemporary social situations and to become actively involved in solving the problems which keep us from fulfilling Dr. King's Dream of an America committed to justice, peace, and love for our fellow neighbors.

Professor Helen Jenkins uses contemporary science to go back in history, proposing remedies for the past injustices of slavery. She suggests that deoxyribonucleic acid (DNA) technology could be a useful tool for modern-day descendants of slaves to assert claims against the estates of former slaveholders who were biologically related. Professor Jenkins uses current examples of longstanding decedents' estates controversies which

are being settled using DNA testing. She argues that modern probate law would not be a barrier to achieving retroactive relief for wrongs done in the past.

Professor Blake Morant argues in his article that the application of Dr. King's teachings to the rules of contract would provide judicial decision makers with flexible contractual remedies when parties enter into transactions which are inherently flawed. Bias, opportunism, and prejudice may lead a contracting party with superior bargaining power to manipulate the other party into entering into an unfair contract, and neither classical nor modern contract theories, such as unconscionability, duress, undue influence, and capacity, adequately correct these motivations. Dr. King's contextual ideology, Professor Morant asserts, provides a vehicle through which a more elastic application of contract rules may be applied to relieve those who are harmed by infirm transactions.

Professor Cheryl Wade considers the tensions which arise when public schools are run by private, for-profit corporations. The pressure to deliver profits to corporate shareholders can be inimical to the educational interests of the children for whom the for-profit educational companies are responsible. Professor Wade suggests that, notwithstanding traditional corporate law doctrine, such educational companies have an affirmative duty to place the educational interests of the children ahead of the tendency to wring out extra profit for shareholders.

Our hope is that this symposium issue will encourage other legal scholars and practitioners to reflect on the legacy of Dr. King and create innovative strategies to address contemporary problems. We also hope to inspire not only reflection on Dr. King's legacy, but also proactive engagement in making the Dream a reality.

I close this introduction with a unique quotation from Dr. King which, I believe, sets a tone for the important work ahead. The quotation appears as a personalized inscription in an original copy of his book, *Stride Toward Freedom*,⁴ which recounts

4. MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM* (1957). The book is part of the Hugo Black Collection in the Bounds Law Library at The University of Alabama School of Law. Justice Black was a graduate of the University of Alabama School of Law. He was a member of the United States Supreme Court when *Brown v. Board of Education* was decided in 1954.

the drama of the Montgomery Bus Boycott inspired by Rosa Parks:

To: Justice Hugo Black

In appreciation for your genuine good-will, your perceptive mission, your broad humanitarian concern, and your unswerving devotion to the noble principles of our democracy.

With Warm Regards,
Martin L. King, Jr.⁵

5. *Id.*

