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### Memories of Brutus Hamilton

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# MEMORIES OF BRUTUS HAMILTON

Richard Delgado\*

I wrote the following in response to a query from a colleague whose son, a promising high school runner, was considering UC-Berkeley. She asked about the school's running program, political and intellectual atmosphere, and the legacy of 1960's-era track coach and Dean of Students Brutus Hamilton, after whom the track stadium is named.

Dear Nancy,

Like the other college you are considering, Berkeley is liberal too, and the running there is grand, with fine weather year-round. Your son would be about the same distance from home at either school, no? And if he wants good competition, the Pac-10 has always featured good middle-distance runners, mainly at Berkeley, UCLA, and the two Oregon schools. Would he have to walk on at Berkeley, or are they offering him a scholarship?

Yes, I did run for Brutus, but not as a member of the team. I was a long-haired, 22-year old, politically radical, anti-authoritarian graduate student running on my own. I had been training in the hills by myself with no coach and just starting to run intervals and enter local road races, usually finishing second or third and starting to attract attention. Encouraged by one or two of the team runners I ran into at the student union and while running on the Strawberry Canyon Trail above the campus, I wandered down to the track one day and met Brutus, who was standing there in a neat overcoat, feeding the pigeons while timing his runners with a stop watch. He impressed me because he gave me his complete attention—a nobody runner he had never heard of who could not possibly (because, as a graduate student, I had no eligibility) do anything for his program. He was the first coach I had ever spoken with.

I could then run about 9:35 for the two mile and 30:50 for six—promising, but not great. Still, he talked with me about theories of training, asked what I had been doing in the way of workouts, and showed such warmth and interest in me that I ended up coming around to the track a few times a week and letting him time me for my intervals. Within a few years, I got to be fairly good, with best times of 28:52 for six miles and 14:31 for 5K, ranking tenth among American men in the former event. This was before rubber tracks and fancy shoes, much less blood doping, altitude training, and other artificial enhancements. I don't think my improvement was really due to him so much as to the general running atmosphere at Berkeley, with a lot of smart nonconformist runners, lefty sociologists of sport like Jack Scott and Harry Edwards, and interesting runners to talk with about ideas and politics during long, hard runs in the hills.

Brutus was quietly at the center of all this. We adored him, in part because he let us come to him while not forcing his own ideas or methods on us. But when we did ask him for advice about training, human physiology, or an

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injury, his answer was always spot on. He also tolerated a lot of brainy undergraduates whose running was stalled and not going anywhere and let them remain members of the team, wear the uniform, and come down to the track every day. One or two of them became national figures, but not in track.

A memorable man. Dave Maggard, the Olympic shot putter, succeeded him, followed by a succession of intelligent, humanistic coaches. None replaced Brutus, however, in the memory of his athletes. You can go to a certain fire road leading up to the top of 2700-foot high Mount Vaca, north of Berkeley, and see the faded inscription "Brutus Lives" written in neat white paint on a rock beside the trail. No runner has the slightest doubt what it means and every one who sees it smiles.

Best,

Richard

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Years later, I wondered, why does this sort of thing happen so rarely in law? I think it is fair to say that over my thirty-plus years of law teaching, I have rarely had a mentor of a race different from my own, and never one who was white. This is not because I have turned them down; not a single one has offered. I have been lucky enough to have many good friends, most of them black or Latino, to whom I have been able to turn for advice or criticism (of a manuscript, for example) from time to time. And of course I have done the same for many younger scholars of color and a handful who were white.

But not a single white colleague, at my school or elsewhere, has ever offered to mentor or help me along in my career. On two or three occasions, I telephoned a former dean at the law school I attended (Berkeley) or one at which I had taught to ask for advice, such as concerning a career move I was contemplating. Each responded with the kind of formal correctness—short answers, lack of affect—that indicated that I had better not push it; one ten-minute phone call exhausted their supply of free advice. And not one of them called back to ask which direction I had taken.

Even while I was in law school, where I was an excellent student and probably the first Mexican American to become an editor of the law review, not a single faculty member asked me about my career plans. Not one suggested I consider clerking, much less a career in law teaching. By the time I graduated, I had published three articles in my own law review, including a Note and a Comment, and two others in respected outside reviews (*Washington University Law Quarterly*, as it was then called, and *Hastings Law Journal*). It would not have taken a trained eye to detect a student with some aptitude for legal writing. But not a single one of the twenty-five or so professors from whom I took class during my three years at Boalt Hall suggested I drop in and get acquainted.

I doubt that my case is unique; I do not know of a single law professor of color who admits to having received sustained mentorship from a white colleague or professor. If I am right that white-on black and white-on-brown mentoring is rare, why should this be so? It is not so in sports. Why should that arena be different from the legal one?

I can think of a handful of reasons. Athletic coaches come into close, daily contact with athletes of color and come to know them and their families well. This daily contact fulfills the requirements of the "social contact" hypothesis, which posits that the best way to counter racism and prejudice is to bring people of different types together in pursuit of common ends. By the same token, sports, like the military, is a highly formalized setting, with little room for subjectivity. (One can either run a four-minute mile or shoot a bulls-eye at 400 meters or not). It therefore fulfills the requirements of a second theory of how to abate racism, the "fairness and formality" hypothesis, sometimes called the confrontation theory.

Law professors are generally liberals, while most track coaches are apolitical or conservative. As such, law professors may feel they have little to prove. Since they write briefs for the ACLU or perform pro bono work for the NAACP, they consider themselves beyond reproach. So, they may end up making fewer efforts than they otherwise might to break out of their patterns, including the artfully crafted letter of recommendation on behalf of a favorite student (invariably white) while ignoring the brown or black student in the back row who shows flashes of real talent.

I realize that this essay, which compares the legal professoriate unfavorably with track coaches, may strike many readers of this symposium as unfair. I therefore propose a self test: If you are an Anglo law professor, compile a list of students whom you have taken under your wing in a time-intensive sense. I don't mean simply saying hello in the halls or asking in the cafeteria line how their semester is going, but the kind of years-long relationship that launches and sustains careers and that includes phone calls and career advice extending years after graduation. Then, jot down how many of these are students of color. The percentage ought to be 20 or 30 percent, depending on the makeup of your student body.

But many of the minorities are at the bottom of their class, you say. Perhaps, but not all. Say a half of them make grades good enough to consider teaching one day, perhaps after serving a judicial clerkship or earning an LL.M. degree from a top school. Then, the percentage of your protégés ought to be 10 or 15.

Is it? I'll sit here quietly while you search your memories. The answers will be due at the end of the period.