

# HENRY J. RICHARDSON III: A CRITICAL RACE MAN

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## I. INTRODUCTION

I knew Henry Richardson before I knew myself. I knew Henry Richardson before I knew there was a Henry Richardson. What can I possibly mean by these seemingly nonsensical statements? In the early 1960s, my father Dr. John E. Wing Jr. and my mother Katherine P. Wing moved with our family of three tiny children from Los Angeles, California to Indianapolis, Indiana. My dad became the first Black research physician working at Eli Lilly pharmaceutical company. In the three years that our family lived there, my parents became very involved in the local Black community. Indianapolis was a city like many others across the country that was involved in the civil rights movement after the famous 1954 *Brown v. Board of Education of Topeka* decision.<sup>1</sup> That community had a professional class that was at the forefront of that struggle, and in it were Henry and Roselyn Richardson. Now you will say: “Wait a minute, Professor Hank Richardson is way too young to have been active in the leadership of the 1960s civil rights struggle in Indianapolis.” And you would be right. It was his father Henry Jr. and his mother who were active.

I was only a small child at the time, literally starting school in segregated conditions, learning that I was something called a “Negro.” My group of other doctors’ children could not enter a local amusement park. I learned that Negroes could not use the public restrooms in the downtown stores, so I had to urinate on myself in the local bank, a riveting and totally humiliating experience for my mother and myself. Henry III, aka Hank, was a teenager studying at Antioch College, where he was leading civil rights sit-ins. He would graduate in 1963, and then would attend Yale Law School, graduating in 1966. Our family spent time with Henry Jr. and Roselyn, attending events at their home, before I was coherent enough to know whom I was meeting or even fathom who I was as a Negro child in America. Thus, I hope that the meaning of my opening sentences makes more sense.

I did not find out that I knew any Henry Richardson until after I met Hank. I

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1. The landmark case in which the Supreme Court established that separate public schools for Black and white children was unconstitutional. Racial segregation of children in public schools violated the Equal Protection Clause of the Fourteenth Amendment. This case overturned *Plessy v. Ferguson*, 163 U.S. 537 (1896) which established that separate public facilities for Blacks and whites were constitutional as long as they were equal. *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

first met him when I was a Stanford law student in the early '80s and attended the National Conference of Black Lawyers (NCBL) Convention. Hank was one of the founders of this progressive legal organization that arose out of the Black Power movement in 1968. After I attended the conference, I told my mother of all the great Black lawyers I had met, rattling off a number of names including Hank Richardson. She stopped me and asked if Hank was from Indianapolis. When I quickly found out that he was, my mom then regaled me with stories about Hank's parents. His dad was a prominent civil rights lawyer, former state legislator, judge, and was active in many civil rights organizations. His mom was equally involved.

While completing the research for this essay, I discovered that Henry Jr. became a life member of the National Association of the Advancement of Colored People (NAACP) in 1958, back when this was a very radical thing that could result in a Negro being fired or killed for being affiliated with such a radical organization. Henry Jr.'s papers at the Indiana Historical Society state that he was able to get fifty other prominent Blacks to become life members as well over the next few years.<sup>2</sup> In my late father's papers, one of the prized possessions I have is his NAACP life membership card with a date of 1961. I realize now that my young physician dad would have been one of those people influenced by Henry Jr. to become a life member.

As part of preparing for the festschrift, I was delighted to find out that Indiana University Robert H. McKinney School of Law, Henry Jr.'s alma mater, has a prominently displayed portrait of him.<sup>3</sup> You cannot truly understand who Hank Richardson is as a professor or what he has accomplished unless you understand upon whose shoulders he stood, unless you understand his father was a race man and his mother was a race woman. He is a race man, too. And so my emphasis in this essay will be on Hank's career through the lens of being a race person. He was able to build upon his parental foundation, steeled in the civil rights struggle. He was then further influenced by the Black Power movement. He took his career to another level as a law professor, and as someone who went beyond domestic race concerns and intertwined them with the transnational level. Hank also went beyond narrow notions of professing in the ivory tower to engage with the real world as a lawyer, activist, mentor, and teacher, as well as scholar.

To illustrate the theme of being a race man in Hank's career, I will use the narrative technique from Critical Race Theory (CRT)<sup>4</sup>—for Hank is not just a race man, he is a critical race man. This technique was developed by CRT forefather,

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2. See Henry J. Richardson, Henry J. (Henry Johnson) Richardson Papers 1960–1992 (Bulk 1960–1979) (unpublished manuscript) (on file with the Indiana Historical Society), <http://www.indianahistory.org/our-collections/collection-guides/henry-j-henry-johnson-richardson-papers-1910-1992> (describing Henry Jr.'s recruitment of Blacks for the NAACP).

3. Karen Bravo, *Interrogating Everyperson's Roles in Today's Slaveries*, 31 TEMP. INT'L. & COMP. L.J. (May, 2017).

4. See CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY (Francisco Valdes et al eds., 2002) (discussing fundamentals of CRT). For more detail on CRT, see generally Kimberlé Crenshaw, *Introduction to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, at xix (Kimberlé Crenshaw et al. eds., 1996); RICHARD DELGADO & JEAN STEFANCI, *CRITICAL RACE THEORY: AN INTRODUCTION* 7–9 (2001).

the late Professor Derrick Bell,<sup>5</sup> and used by many others including Professor Richard Delgado<sup>6</sup> and myself.<sup>7</sup> Hank, himself, used the technique in his article *Dinner and Self Determination*,<sup>8</sup> where he had a conversation between a professor and an African leader.

## II. A CONVERSATION

Professor Mzee<sup>9</sup> is buried deeply behind a pile of papers on a warm September afternoon. He is immersed in a book chapter from his long-awaited second volume: *African American Interests in International Law 1820–1920*. He is glancing at the clock as he is trying to insert a footnote and then shut down for the evening. He wants to make the next train to Washington, D.C., so he can visit the new African-American museum in the morning. He barely hears the knock at his office door.

MZEE: “Come in.” In walks a young woman. She enters very timidly looking around at all the piles of books, so tall she can barely see the professor. Mzee is thinking, “Oh no. I don’t have much time now. Maybe I can spare fifteen minutes before dashing out to get that train.”

MZEE: “How can I help you?”

STUDENT: “My name is Uhura Crenshaw. My aunt Geneva Crenshaw<sup>10</sup> said that I should visit once I was settled down in school. She told me that you would help make sense of it all. She told me that I should visit you this fall as she was not sure if you were planning on retiring soon.”

MZEE: “What a beautiful name. I am sure you know it means freedom in Swahili. Ah, Geneva. How is she doing? How is her work going with the #SayHerName movement?<sup>11</sup> Please give her my regards. She was a great friend of my dear colleague, the late Derrick Bell. Tell her that I have no plans to retire. I

5. For examples of the narrative technique, see, e.g., the works of Derrick Bell, such as *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987).

6. See RICHARD DELGADO, *THE RODRIGO CHRONICLES: CONVERSATIONS ABOUT AMERICA AND RACE* (1995) (describing Delgado’s use of the narrative technique from CRT).

7. Adrien K. Wing, *Space Traders for the Twenty-First Century*, 11 *BERKELEY J. AFR.-AM. L. & POL’Y* 49 (2009); Adrien K. Wing, *Tolling in Protest*, 12 *HARV. BLACKLETTER L.J.* 161 (1995) (reviewing DERRICK BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTER* (1994)).

8. Henry J Richardson III, *Dinner and Self-Determination*, in *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY* 288 (Francisco Valdes et al eds., 2d ed. 2012).

9. Mzee means “elder” or “wise one” in Swahili. “Mzee,” *DICTIONARY.COM*, <http://www.dictionary.com/browse/mzee?s=t> (last visited Mar. 7, 2017).

10. See BELL, *supra* note 5 (inventing Geneva Crenshaw).

11. See Homa Kaleeli, *#SayHerName: Why Kimberlé Crenshaw is Fighting for Forgotten Women*, *GUARDIAN* (MAY 30, 2016), <https://www.theguardian.com/lifeandstyle/2016/may/30/say-her-name-why-kimberle-crenshaw-is-fighting-for-forgotten-women> (noting Columbia and UCLA law professor Kimberlé Crenshaw’s involvement in this movement); see generally Teri A. McMurtry Chubb, *#SayHerName #BlackWomensLivesMatter: State Violence in Policing the Black Female Body*, 67 *MERCER L. REV.* 651 (2016).

have still got a lot of work to do.”

UHURA: “My aunt is doing fine even though the struggle just seems more and more difficult in these times of police killings almost every day. I was active in the Black Lives Matters movement on my prior campus, but I don’t know if there is such a movement here yet or whether I will have any time to be active in it. I do know the meaning of my name. I was actually named for the Star Trek character, Lieutenant Uhura. My parents wanted me to know that the universe would be the limit as to what I could accomplish. Right now, I feel overwhelmed by what is happening in the real world and what is happening in the classroom. I want to be an international lawyer focusing on Africa, but I do not want to neglect what is happening within the United States either. Is this possible? I have so many questions.”

Mzee could see that Uhura was on the verge of tears. What he would have to discuss with her would not be quick. Oh well, there were trains every thirty minutes to D.C.

MZEE: “Yes, it is very possible. Do you have some time now? We can discuss some issues now and leave some for other occasions. Would you like to start with some of your questions?”

UHURA: “Oh, yes, please. My aunt said that you were a real race man. What did she mean by that? I did not want her to know that I did not know what she meant. I mean, obviously, you are African-American.”

MZEE: “In 1945, in *Black Metropolis*, St. Clair Drake and Horace Cayton discussed the emergence of the idea of a race man.<sup>12</sup> The term “race man” has been used historically to characterize high achieving Black men who devote themselves to the betterment of Black people, and live counter to stereotypes about the inferiority of Black people. They believe in the pursuit of race consciousness, race pride, and race solidarity. So every Black man is not a race man. Justice Clarence Thomas is not a race man, in my view, although there are some scholars who see him as espousing a Black, but conservative point of view.”<sup>13</sup>

UHURA: “It sounds sexist. What about the women? My aunt taught me that the women must not be forgotten!”

MZEE: “While scholars like Yale African-American Studies Professor Hazel Carby have found ‘race man’ to have been used in a very patriarchal fashion historically,<sup>14</sup> I view it that you could be a race woman for sure. I have been proud to be a race man, and we must be sure that the terms race man and race woman are progressive in nature!”

12. ST. CLAIR DRAKE & HORACE CAYTON, *BLACK METROPOLIS: A STUDY OF NEGRO LIFE IN A NORTHERN CITY* (1<sup>ST</sup> ed. 1945).

13. See Angela Onwuachi-Willig, *Just Another Brother on the SCT?: What Justice Clarence Thomas Teaches Us About the Influence of Racial Identity*, 90 IOWA L. REV. 931, 939–63 (2005) (describing the long tradition of Black conservatism); Stephen F. Smith, *Clarence X?: The Black Nationalist Behind Justice Thomas’s Constitutionalism*, 4 NYU J.L. & LIBERTY 584 (2009) (positing that Justice Thomas’s originalism and textualism were supplemented by Black nationalism).

14. HAZEL V. CARBY, *RACE MEN* (2000).

UHURA: “Were you the first race person in your family?”

MZEE: “My father was a true race man. He was known as Junior and was born in Alabama at the beginning of the 20<sup>th</sup> century. He was a graduate of the Indiana Law School, and was the first Black to serve as a judge in the state. He served three terms in the Indiana General Assembly, one of the first two Blacks elected in the 20<sup>th</sup> century. During his three terms in the Assembly, he was co-author of welfare legislation, author of the first fair employment practices law in the country in 1933, helped end discrimination in the dormitories at Indiana University, and helped change the state constitution to permit Blacks to serve in the Indiana National Guard.<sup>15</sup> In 1935, along with six other legislators, he cosponsored a bill to prohibit discrimination in all public accommodations, but it failed.<sup>16</sup>

After his time in the legislature was finished, my dad was an incredible civil rights lawyer. Wearing that hat, he worked for the National Bar Association and organized the Urban League. In 1949, he was a leader in obtaining the passage of Indiana’s school desegregation law. In 1953, the NAACP, of which he had been a legal representative since 1935, won an important case for integrated housing. In this case, he worked with Thurgood Marshall. In the 1960s, he was very active on the national level including being a member of the Federal Civil Rights Commission, on the board of the National Urban League, and a member of the United Negro College Fund board. In the 1970s, he was a member of the Indiana Law School Visiting Board.

My family almost moved to the Caribbean. My dad was nominated to be a federal judge in the Virgin Islands and ten years later to be governor of the Virgin Islands, but neither nomination was successful.

One of my fondest memories was when daddy came to visit me at Yale Law School. He participated as a chief judge at a moot court at the school back in the 1960s.<sup>17</sup> I am sure most of my colleagues had never seen a Black judge before and could not imagine even a moot court one. And my father had been an actual judge many years before.”

UHURA: “And your mom? Was she just a housewife?”

MZEE: “First of all, no mom is just a housewife. It’s a very tough job in the best of circumstances, and of course, we were living in very racist conditions even though we were a professional family. My mom attended Clark College in Atlanta, and received a certificate with a major in community organization and group work from the Atlanta School of Social Work. She worked for the American Friends Service Committee, and she worked covertly with progressive people in Atlanta advocating and planning racial integration, often risking arrest. She was active in many community groups. She and my dad were at the forefront of the Indiana

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15. See Richardson, *supra* note 2.

16. Ryan Schweir & Ravay Smith, “Thirst for Justice”: Indiana’s Pioneering Black Lawyers, IND. LEGAL ARCHIVE (Feb. 23, 2015), <http://www.indianalegalarchive.com/journal/2015/2/18/thirst-for-justice>.

17. Richardson, *supra* note 2.

school desegregation movement when I was denied admission to my neighborhood school. The struggle was the beginning of a state-wide movement that led to the passage of the 1949 Indiana School Desegregation Law.<sup>18</sup> Upon her 2005 death, the Indiana State Senate passed a resolution of condolences to me and my brother, who is also a lawyer.”<sup>19</sup>

UHURA: “What a rich legacy you come from. How wonderful to have such examples in your house! Do you think you could have achieved what you have without them?”

MZEE: “I know I was fortunate, but I also learned the example of hard work and fearlessness from them. And if I had not developed those characteristics, I could not have become all that I did.”

UHURA: “What about those of us who do not come from such privilege? Can we be race people just as well?”

MZEE: “Yes, it is certainly possible. All of us had examples in the public eye like W.E.B. DuBois, Thurgood Marshall, Martin Luther King Jr., and Malcolm X. So the examples did not have to come only from parents. Moreover, not every person of privilege is able to replicate what their parents did, and the pressure can be too much. Research the children of all the people I just named.”

UHURA: “Ok. I think I get the race person concept now, but it sounds very U.S.-oriented.”

MZEE: “It does not have to be. I have been part of a small group of Black lawyers who have taken the race person concept and applied it on the international level. Our problems did not begin in the United States and they do not end here. We have much in common with the struggles of Black people around the world, particularly in Africa.”

UHURA: “What did you actually do in your lawyer days that dealt with the U.S., as well as Africa?”

MZEE: “For more than two years I was an International Legal Adviser to the government of Malawi shortly after its independence, where I advised on inherited treaties and a range of southern African international legal negotiations and questions. If you want to be an Africanist, you must go abroad and be in Africa at various stages of your career! Government service can be a really important way to affect change, so I jumped at the chance to serve on the National Security Council Staff in charge of African policy and United Nations issues in President Carter’s administration. I was subsequently the Senior Foreign Policy Adviser to the Congressional Black Caucus and an attorney in the Office of General Counsel of the Department of Defense as well.”

UHURA: “Wow! When did you get involved in teaching?”

MZEE: “I was the first Black professor at Indiana Law School for several years and visited at Northwestern before I went to join the Carter administration. I came back to academia and joined this faculty when the Reagan administration

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18. Dwight W. Culver, *Racial Desegregation in Education in Indiana*, 23 *J. OF NEGRO EDUC.* 296, 296–302 (1952).

19. S. Res., 114<sup>th</sup> Gen. Assemb., Reg. Sess. (Ind. 2006).

came into power.”

UHURA: “Can I take one of your courses next semester?”

MZEE: “Sorry, for that you will have to wait. I teach electives on international law, constitutional law and foreign policy, international human rights, and international organizations. So next year when you are a 2L you can sign up for one or more of them!”

UHURA: “Thank you for your time today, professor. It sounds like, with so much involvement as a lawyer and a professor, you did not have time for anything else.”

MZEE: “Well actually, there were other things. Part of being a race person is being an activist as well.”

UHURA: “What do you mean? Seems like you were being active enough already.”

MZEE: “I decided to get heavily involved in pro bono efforts from early on, especially as they involved the anti-apartheid movement. You should definitely be involved in pro bono work from the time you are a student. As a young man, I was a founding member of the National Conference of Black Lawyers (NCBL), as well as Chairman of the NCBL Task Force on International Affairs, and NGO United Nations Representative. I was part of the World Peace Through Law Center, Section on International Legal Education. I was involved with the think tank TransAfrica as well as the National Bar Association International Affairs Committee. I became an active member of the Litigation Committee of the Southern Africa Project of the Lawyers Committee for Civil Rights under Law. I helped lead the national drive against the American Bar Association Legislative Action Committee setting U.S. recognition of the South Africa homelands as a priority. The Committee’s action was denounced by the ABA President and removed from the Committee agenda. I was a member of the Commission on Independence for Namibia, making two trips to monitor elections in that new nation in 1990.<sup>20</sup> I monitored the 1994 South African elections too, including with my dear Yale schoolmate, the late City University of New York Law School Dean Haywood Burns.<sup>21</sup> The elections were exciting also because of the central role played in both by another dear friend, Gay McDougall.”

UHURA: “Would you say that the historic election monitoring was your greatest experience on the ground? It sounds amazing after all those years of work in the U.S. on South Africa to be able to be on site.”

MZEE: “It was surely incredible to be in South Africa, but I also had some amazing experiences on the ground in other places as well. My abroad experiences started in college when I studied in France focusing on the impact of the Algerian independence struggle on France. I hope you have a chance to study abroad while

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20. See generally Henry J. Richardson III, *Constitutive Questions in the Negotiations for Namibian Independence*, 78 AM. J. INT’L. L. 76 (1984).

21. See Michael Ratner & Eleanor Stein, *W. Haywood Burns: To Be of Use*, 106 YALE L.J. 753, 772 (1996) (discussing Richardson’s election monitoring with Haywood Burns).

still a student. There is a great program run by Howard Law professor Ziyad Motala in Capetown, South Africa.<sup>22</sup> One of my favorite experiences was being part of a State Department funded group of twenty that went to post-genocide Rwanda to assist with a new constitution. There were only four Americans, including my mentee Professor Adrien Wing. The rest of the people were leaders from other African nations who had been involved in governing and constitutional processes in their respective countries. We were taken to a rural camping resort near the Congo border to hash out various issues with the Rwandan Constitutional Commission. This kind of unsung work is very meaningful.<sup>23</sup>

UHURA: “I don’t know how you ever slept, but all of this does make sense since it seems to have been related to your overarching interest in Africa, and in the anti-apartheid movement. I read somewhere, however, that you have been heavily involved in a very elite old boy club called the American Society of International Law (ASIL). Why would you waste time in that group when so little of its agenda would suit your specific interests?”

MZEE: “In your career as a Black person, it is important to join majority white organizations as well as Black ones. Our voices must be heard in the halls of power. Many of us have gone to school with those who run the halls of power and we have a lot better idea as to how to deal with them and their issues than they have any understanding of us. We also have to always take into account Du Bois’ notion of the double consciousness necessary for all Black people to have while living in America. We see ourselves through our own lens, but also always trying to imagine how we are seen through the eyes of elite (and poor) whites.<sup>24</sup>

Some things you do because it is a signal that you have arrived and should be taken seriously. So for instance, I am a member of the Council on Foreign Relations. You do not ask to join them. They invite you and you must have references from within the group already so that the Nominating Committee can evaluate your worthiness. So, it is basically impossible to become a member if you are not connected already to movers and shakers. The few Blacks in international law usually have these contacts because of where we went to school, organizations we have joined, or because of the law firms or government agencies where we have worked. This means it is important for you to get to know your professors as well as some of your classmates who are born into or move in these circles.”

UHURA: “Sounds like being a sellout.”

MZEE: “It’s not being a sellout. For example, let’s suppose you are an international human rights lawyer. You run an organization that does fantastic work, but needs to solicit funds to survive. It may be through the contacts you have in the mainstream elite groups or alumni associations that you are able to get

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22. See *Summer Study Abroad in South Africa*, HOWARD UNIVERSITY SCHOOL OF LAW, program at <http://www.law.howard.edu/49> (last visited Mar. 7, 2017) (listing Professor Ziyad Motala as the South Africa summer study abroad program director).

23. See Adrien Wing & Mark Johnson, *The Promise of a Post-Genocide Constitution: Healing Rwandan Spirit Injuries*, 7 MICH. J. RACE & L. 247 (2002) (discussing the Richardson and Wing Rwandan experience).

24. W.E.B. DU BOIS, *THE SOULS OF BLACK FOLKS* (1903).



members for your board or donors for your projects. They will remember you and trust you with their resources if you have made a positive impression on them in other contexts. There are also lots of progressive people with resources as well, so it does not mean you must sell out to get access to resources or support. You may want to reach out to policymakers and it is helpful if you know some or know others that do know some people in those sectors.”

UHURA: “I see it’s more complicated than I thought. I have to think about this a lot more. But how does this all relate to ASIL?”

MZEE: “ASIL is the preeminent group for international lawyers and especially professors. I seriously hope you will consider joining, even as a student. And way back, ASIL had involvement in South Africa, involvement that I had to end. Along with the late Howard University Law Professor Goler Butcher and Adrien Wing, I led the ultimately successful effort to get the ASIL Executive Council that we were members of to divest ASIL stock in companies invested in apartheid South Africa.<sup>25</sup> Goler and I founded the ASIL Southern Africa Interest Group, which Adrien later led, and it transitioned into the African Interest Group. Even after apartheid was over, I remained very active within ASIL circles. I am a past Executive Council member, Vice President, Counsellor, and Honorary Vice President. I was Co-Director for an ASIL/PAIL/Ford study on Women and Minorities in International Law.<sup>26</sup> I was even the ASIL Chair and Creator of the Butcher Medal Committee, named for my dear friend who passed away much too soon. Very recently, I co-founded BASIL, Blacks of ASIL, so our work continues. Blacks are still too few and far between in ASIL and in international law generally. Our issues are too often neglected. In 2016, I was named Honorary member of ASIL—the first Black so chosen. The lesson here is to pick an organization or two and heavily invest in it, all the way up to the leadership level if you can. In many groups, you may still be one of the few Blacks or women, much less minority women involved.”

UHURA: “How did you ever sleep? With all that, did you ever get the Butcher Medal yourself?”

MZEE: “No need for such recognition. I am happy that the award keeps her legacy alive in ASIL.”<sup>27</sup>

UHURA: “And what about being President of ASIL? Has there ever been a Black president?”

MZEE: “Yes, way back in 1978, Harvard Professor Clyde Ferguson was ASIL President. He was the first and only one.”

UHURA: “Well that means, it is your time!!”

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25. See generally Henry J. Richardson III, *Divestment of the Stock Portfolio of the American Society of International Law*, 81 AM. J. INT’L L. 744 (1987).

26. See generally Henry J. Richardson III, *Women and Minorities in International Law*, 81 AM. SOC’Y INT’L L. PROC. 519 (1987).

27. See generally Henry J. Richardson III, *Tribute: African Americans and International Law: For Professor Goler Teal Butcher, with Appreciation*, 37 HOW. L. J. 217 (1994).

MZEE: “My time is past for that sort of politicking. I hope that some of the younger folks will decide to move forward in that regard. And you have to have been a Vice President to be considered to be President. That pool is very small. It includes Chantal Thomas, Adrien Wing, Makau Mutua, and Edward Kwakwa. At least, we have had a Black Honorary President, The Honorable Gabrielle Kirk McDonald, a former civil rights lawyer who ended up becoming a federal judge, and then President of the International Criminal Tribunal for the Former Yugoslavia. She is Co-Chair of our new BASIL group.”

UHURA: “Gee, Professor Mzee. I really, really understand now why my aunt wanted me to meet you. Can I be your mentee?”

### III. HIATUS IN THE CONVERSATION: RACE MAN AS MENTOR

Part of being a race man is being a mentor, and Hank has been a mentor extraordinaire for many, including myself. Flashing backward to my law school days, I saw how younger lawyers and students revered Hank at the NCBL Convention. He was an inspiring speaker and was sincerely interested in the future of Black America and how we as a Black legal community could help our people and our country achieve justice for all. I was hooked and so began a thirty-year relationship as one of Hank’s mentees. During the rest of my student career and then as a practicing international lawyer in New York for five years, I saw Hank at NCBL and ASIL conferences.

After the untimely death of Professor Ferguson in 1983, Hank became the uncontested leader and mentor of Blacks in international law practice and in the academy. He was always generous with his time not only for me, but for the others in our rare position—Blacks in a specialty where few other than Ivy League-educated white males were respected. In my own case, Hank spent much time giving career, political, and personal advice. We had great substantive conversations as well, including how my work linking the Los Angeles 1992 Bloods and Crips street gangs truce to the 1949 Ralph Bunche-negotiated Middle East Peace Agreement, should be published.

When I considered becoming a law professor, Hank was one of the major influences who gave me the confidence to know that I could do it, and that he would be there to assist with developing my scholarly agenda, teaching strategies, and service activities. A few years later, he wrote a wonderful tenure letter for me that was instrumental in helping make the case that I deserved tenure and promotion to full professor at the University of Iowa College of Law.

I was appointed to the Executive Council of ASIL at a very early stage of my career, in large part, I believe, due to Hank’s advocacy on my behalf. In that capacity, I saw him nurture other young people or outsiders on the Council. From him, I learned how to take my undergraduate and law school student activism into the upper strata of the American intelligentsia and win, as we did, with the ASIL divestment motion. He assisted me years later in my successful effort to become the second Black female Vice President of ASIL. Once I became a law professor, I saw Hank not only at ASIL and NCBL, but also at the American Association of Law Schools (AALS) and various national and regional People of Color law

professor events.

While he worked for over a decade on his path breaking book on the *Origins of African American Interests in International Law*, I learned of true dedication to our scholarly mission and the need to take your time to make revolutionary arguments. I was privileged to read drafts of the volume and was not surprised when it won an award from Temple University.

He has continued to stand as a shining role model and exemplar to many of us. Hank's mentoring has now extended to another generation of my family. My nephew, Samora, attended Temple Law School. I urged him to contact Hank as soon as he got settled as I knew he would be in good hands. Hank gave Samora as much mentoring as he had given me at a similar stage more than thirty years before. Hank has boundless energy at a time in life when many would have retired or stepped back from such an active role. Hank hired Samora as his research assistant, and Samora said that the job was the best experience at law school because of the mentoring that Hank provided—countless conversations about the nature of the law, life, and justice, in addition to meticulous supervision of the work in a way that will undoubtedly enhance Samora's job prospects in the future. I was pleased to have co-nominated Hank when he received the AALS Minority Section Clyde Ferguson Award in 2013, for "providing support, encouragement and mentoring to colleagues, students, and aspiring legal educators."

#### IV. BACK TO OUR CONVERSATION

MZEE: "Being a mentee is very serious business. It does not just happen. It takes commitment on each end to make it work. The best way for you to maybe become a mentee is to continue stopping by from time to time, so we can continue our chats. In the spring, I will be hiring research assistants for the following academic year. You would be a logical candidate at that point. Just about all of my RAs have become mentees."

UHURA: "Sounds like a plan. What would I be doing as your RA?"

MZEE: "Helping me with my teaching and scholarship, especially the books and articles that I am writing."

UHURA: "What areas have you been writing in? Would that be Africa<sup>28</sup> and South Africa?"<sup>29</sup>

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28. See, e.g., Henry J. Richardson III, *The Danger of Oligarchy within the Pan-Africanist Authority of the African Union*, 13 *TRANSNAT'L L. & CONTEMP. PROBS.* 255 (2003); *Africa: Many Challenges, Much Hope*, 89 *AM. SOC'Y INT'L L. PROC.* 484 (1995) (with remarks by Henry J. Richardson III); Henry J. Richardson III, *Reflections on Education in International Law in Africa*, 4 *DEN. J. INT'L L. & POL'Y* 199 (1974); Henry J. Richardson III, *Foreign Policy Decision Making and Social Change in Malawi*, in *THE ADMINISTRATION OF CHANGE IN AFRICA* 343 (E. P. Morgan ed., 1971); Henry J. Richardson III & Paul O. Proehl, *Crossroads for Law in Africa*, 18 *UCLA L. REV.* 219 (1970); Henry J. Richardson III, *Speculations on the Relevance of International Law to the Needs of Black Southern Africa*, 1 *UFAHAMU* 22 (Spring 1970); Henry J. Richardson III, *Malawi: Between Black and White Africa*, *AFR. REP.*, Feb. 1970, at 18.

29. See, e.g., Henry J. Richardson III, *Patrolling the Resource Transfer Frontier: Economic*

MZEE: “I call my work part of a Black International Law tradition. Africa is the main region and South Africa was the main country I have written about, but the topic I have most focused on is the issue of self-determination for groups of people, especially Black people, but also including places like Kosovo, East Timor, and Iraq.”<sup>30</sup>

UHURA: “What is the topic of your book?”

MZEE: “It is on the intersection of international law with African-American issues, an area that I have written on a number of times.<sup>31</sup> The book is called *Origins of African American Interests in International Law*.<sup>32</sup> The book claims that Blacks have had a stake in and advanced claims under international law from the time Blacks landed in Jamestown in 1619. You should also know that my work has been influenced by two jurisprudential themes. At Yale, I was a student of Professor Myres McDougal, who took a particularly progressive perspective on international law that became known as the New Haven School of Law—Law,

*Rights and the South African Constitutional Court's Contributions to International Justice*, 9 AFR. STUD. Q. (2007); Henry J. Richardson III, *Reverend Leon Sullivan's Principles, Race and International Law: A Comment*, 15 TEMP. INT'L & COMP. L. J. 55 (2001); Henry J. Richardson III, *Symposium, Excluding Race Strategies from International Legal History: The Self-executing Treaty Doctrine and the Southern Africa Tripartite Agreement*, 45 VILL. L. REV. 1091 (2000); Henry J. Richardson III, *International Law Implications for the Transition in South Africa*, 86 AM. SOC'Y INT'L L. PROC. 287 (1992); Henry J. Richardson III, *International Law and the Continuation of Sanctions Against South Africa*, 3 TEMP. INT'L & COMP. L. J. 249 (1989); Richardson, *supra* note 25; Henry J. Richardson III, *The Obligation to Withdraw Recognition from Pretoria as the Government of South Africa*, 1 TEMP. INT'L & COMP. L. J. 153 (1987); Henry J. Richardson III, *Self-Determination, International Law and the South African Bantustan Policy*, 17 COLUM. J. TRANSNAT'L L. 185 (1978).

30. See, e.g., Richardson, *supra* note 8; Richardson, *Self-Determination, International Law and the South African Bantustan Policy*, *supra* note 29; Natsu Taylor Saito, *All Peoples Have a Right to Self-Determination*, *Henry J. Richardson III's Liberatory Perspective on Racial Justice*, 31 TEMP. INT'L & COMP. L. J. (May, 2017); Henry J. Richardson III, *Critical Perspectives on Intervention*, 29 MD. J. INT'L L. 12 (2014); Henry J. Richardson III, *The Danger of the New Legal Colonialism*, 104 AM SOC'Y INT'L L. PROC. 393 (2010); Henry J. Richardson III, *A Critical Thought on Self-Determination for East Timor and Kosovo*, 14 TEMP. INT'L & COMP. L. J. 101 (2001).

31. See, e.g., Henry J. Richardson III, *From Birmingham's Jail to Beyond the Riverside Church: Martin Luther King's Global Authority*, 59 HOW. L. J. 101 (2015); Henry J. Richardson III, *The Black International Tradition and African American Business in Africa*, 34 N.C. CENT. L. REV. 170 (2012); Henry J. Richardson III, *Two Treaties, and Global Influences of the American Civil Rights Movement through the Black International Tradition*, 18 VA. J. SOC. POL'Y & L. 59 (2010); Henry J. Richardson III, *The Mitchell Lecture*, 17 BUFF. HUM. RTS. L. REV. 1 (2010); Henry J. Richardson III, *Dr. Martin Luther King, Jr. as an International Human Rights Leader*, 52 VILL. L. REV. 471 (2007); Henry J. Richardson III, *U.S. Hegemony, Race, and Oil in Deciding United Nations Security Council Resolution 1441 on Iraq*, 17 TEMP. INT'L & COMP. L. J. 27 (2003); Richardson, *supra* note 27; Henry J. Richardson III, *The International Implications of the Los Angeles Riots*, 70 DEN. U. L. REV. 213 (1993); Henry J. Richardson III, *The Gulf Crisis and Afro-American Interests under International Law*, 87 AM J. INT'L L. 42 (1993).

32. HENRY J. RICHARDSON III, *ORIGINS OF AFRICAN AMERICAN INTERESTS IN INTERNATIONAL LAW* (2008); see also Rafael A. Porrata-Doria, Jr., *The Lawyer as Historian: Professor Henry Richardson and the Origins of African American Interests in International Law*, 31 TEMP. INT'L & COMP. L. J. 101 (May, 2017) (discussing Professor Richardson's book).

Science, and Policy Jurisprudence.<sup>33</sup> Second, I consider myself part of the Critical Race Theory (CRT) movement, and the efforts to apply CRT to international concerns.<sup>34</sup> Related to all of this is an informal movement known as Third World Approaches to International Law,<sup>35</sup> or TWAIL, which my work resonates with as well. CRT and TWAIL both emphasize non-western approaches to international law as an attempt to displace western hegemony.”

UHURA: “I have heard of CRT from my aunt, but I thought it was U.S. oriented. Who can I read that applies it on the international level besides you?”

MZEE: “There was an entire symposium at Villanova on CRT and International Law.<sup>36</sup> Check out a piece by Ruth Gordon<sup>37</sup> and others for starters. Adrien has taken the intersection of race and gender to a new international level in a lot of her work with global critical race feminism, focusing on women of color around the world, especially in Africa, the Middle East, and Black America.”<sup>38</sup>

33. Henry J. Richardson III, *Tribute to Myres McDougal*, YALE L. REP. (1998); see, e.g., HAROLD D. LASSWELL & MYRES S. MCDUGAL, JURISPRUDENCE FOR A FREE SOCIETY: STUDIES IN LAW, SCIENCE AND POLICY (1992).

34. Richardson, *supra* note 8; Henry J. Richardson III, *Correspondence*, 94 AM. J. INT’L L. 99 (2000).

35. See Antony Anghie & B.S. Chimni, *Third World Approaches to International Law and Individual Responsibility in Internal Conflicts*, 2 CHINESE J. INT’L L. 77 (2003) (discussing TWAIL); O. A. Badaru, *Examining the Utility of Third World Approaches to International Law for International Human Rights Law*, 10 INT’L COMM. L. REV. 379 (2008); Bhupinder S. Chimni, *The Past, Present and Future of International Law: A Critical Third World Approach*, 8 MELB. J. INT’L L. 500 (2007); Mosope Fagbongbe, *The Future of Women’s Rights from a TWAIL Perspective*, 10 INT’L COMM. L. REV. 401 (2008); James Thuo Gathii, *TWAIL, A Brief History*, 3 TRADE L. & DEV. 49 (2011); James Thuo Gathii, *Rejoinder: TWAILing International Law*, 98 MICH. L. REV. 2066 (2000); Robert Johnson, *The Model Law in Southern Africa on HIV: Third World Approaches to International Law Insights into a Human Rights-based Approach*, 9 AFR. HUM. RTS. L.J. 129 (2009); Karin Michelson, *Rhetoric and Rage: Third World Voices in International Law*, 16 WISC. INT’L L. J. 353 (1998); see Makau Mutua, *Critical Race Theory and International Law: The View of an Insider-Outsider*, 45 VILL. L. REV. 841 (2000) (discussing TWAIL); Makau Mutua, *What is TWAIL?*, 94 AM. SOC’Y INT’L L. PROC. 31 (2000); Obiora Chinedu Okafor, *Newness, Imperialism, and International Legal Reform in our Time: A TWAIL Perspective*, 43 OSGOODE HALL L. J. 177 (2005).

36. See Symposium, *Critical Race Theory and International Law: Convergence and Divergence*, 45 VILL. L. REV. 827 (2000) (discussing Villanova’s symposium on CRT).

37. Ruth Gordon, *Critical Race Theory and International Law: Convergence and Divergence*, 45 VILL. L. REV. 827 (2000).

38. See, e.g., Adrien K. Wing, *The International Human Rights of Black Women: Justice or Just Us?*, in BLACK WOMEN AND INTERNATIONAL LAW: DELIBERATE, INTERACTIONS, MOVEMENTS AND ACTIONS (ESSAYS IN HONOR OF GABRIELLE KIRK McDONALD) 37 (Jeremy Levitt ed., 2015); Adrien K. Wing, *African Women in the Twenty-first Century*, in POWER, GENDER, AND SOCIAL CHANGE IN AFRICA, at x-xii (Muna Ndulo & Margaret Grieco eds., 2009); Adrien K. Wing, *Critical Race Feminism in the Age of the War Against Terrorism, in MULTICULTURALISMS: DIFFERENT MEANINGS AND PERSPECTIVES OF MULTICULTURALISM IN A GLOBAL WORLD* 91 (Barbara Pozzo ed., 2009); Adrien K. Wing, *Women’s Rights and Africa’s Evolving Landscape: Can the Women’s Protocol of the Banjul Charter*, in AFRICA: MAPPING NEW BOUNDARIES IN INTERNATIONAL LAW 13 (Jeremy I. Levitt ed., 2008); Adrien K. Wing, *Global Critical Race Feminism: A Perspective on Gender, War and Peace in the Age of the War*

UHURA: "I cannot wait 'till I can dig into all these materials."

MZEE: "Keep your eye on the first year courses you are in for the moment! The time will come for you to branch out, but you must master these basics. In case you are interested, you should know that way back, I was a Faculty Africanist in Law, African Studies Center, at UCLA focusing on international law and development. I have been an International Scholar at the Joint Center for Political and Economic Studies, and I was twice awarded the Friel-Scanlan prize for best faculty scholarship. It was quite an honor to become the first African-American editor of *The American Journal of International Law (AJIL)*,<sup>39</sup> the most prestigious publication in our field. Uhura, you can become a scholar too, even as a student."

UHURA: "How is that possible?"

MZEE: "All law school have journals, which are mainly student edited. At Temple, we are lucky to have an internationally oriented one that I helped found called the *Temple International and Comparative Law Journal*. The student editors of the journal require the student members to write a note or case comment. These are student-written articles and the best ones get published. I have definitely nurtured the journal over its lifetime, being its advisor and publishing many articles in it."<sup>40</sup>

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*on Terror*, 15 MICH. ST. J. INT'L L. 1 (2007); Adrien K. Wing & Monica Smith, *Critical Race Feminism Lifting the Veil?: Muslim Women, France and the Headscarf Ban*, 39 U.C. DAVIS L. REV. 743 (2006); Adrien K. Wing, *From Wrongs to Rights: Hurricane Katrina from a Global Perspective*, in AFTER THE STORM: BLACK INTELLECTUALS EXPLORE THE MEANING OF HURRICANE KATRINA 127 (David Troutt ed., 2006); Adrien K. Wing, *Critical Race Feminism and Human Rights*, in ESSENTIALS OF HUMAN RIGHTS 74 (Christien van den Anker & Rhona Smith eds., 2005); CRITICAL RACE FEMINISM: A READER (Adrien K. Wing ed., 2d ed. 2003); Adrien K. Wing & Tyler Smith, *New African Union and Women's Rights*, 13 TRANSNAT'L L. & CONTEMP. PROB. 33 (2003); Adrien K. Wing, *Global Critical Race Feminism Post 9-11: Afghanistan*, 6 WASH. U. J.L. & POL'Y 19 (2002); Adrien K. Wing, *Polygamy from Southern Africa to Black Britannia to Black America: Global Critical Race Feminism as Legal Reform for the Twenty-First Century*, 11 J. CONTEMP. LEGAL ISSUES 811 (2001); GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER (Adrien K. Wing ed., 2000); Adrien K. Wing, *Violence and State Accountability: Critical Race Feminism*, 1 GEO. J. GENDER & L. 95 (1999); Adrien K. Wing, *Universality vs. Cultural Relativity: A Critical Race Feminist View from the Diaspora*, in SOUTHERN AFRICAN HUMAN RIGHTS READER: TOWARDS CREATING A SUSTAINABLE CULTURE OF HUMAN RIGHTS 61 (BF Bankie et al. eds., 1998); Adrien K. Wing, *Critical Race Feminism and The International Human Rights of Women in Bosnia, Palestine, and South Africa: Issues for Lat-Crit Theory*, 28 U. MIAMI INTER-AM. L. REV. 337 (1997); Adrien K. Wing, *Gender Equality and Governance in Africa: A Critical Race Feminist Perspective*, in CORNELL INSTITUTE FOR AFRICAN DEVELOPMENT, GOVERNANCE IN AFRICA: BUILDING THE CAPABLE STATE 113 (1997); Adrien K. Wing, *A Critical Race Feminist Conceptualization of Violence: South African and Palestinian Women*, 60 ALB. L. REV. 943 (1997); Adrien K. Wing & Eunice de Carvalho, *Black South African Women: Towards Equal Rights*, 8 HARV. HUM. RTS. J. 57 (1995); Adrien K. Wing & Sylke Merchan, *Rape, Ethnicity, & Culture: Spirit Injury from Bosnia to Black America*, 25 COLUM. HUM. RTS. L. REV. 1 (1993).

39. Richardson's own work in AJIL includes Henry J. Richardson III & Adrien K. Wing, *Burns Weston: In Memoriam*, 110 AM. J. INT'L L. (2016); Richardson, *The Gulf Crisis and Afro-American Interests under International Law*, *supra* note 31; Richardson, *supra* note 20.

40. See, e.g., Richardson, *Symposium, A Critical Thought on Self Determination for East Timor and Kosovo*, *supra* note 30; Henry J. Richardson III, *Reverend Leon Sullivan's Principles, Race and International Law: A Comment*, 15 TEMP. INT'L & COMP. L. J. 55 (2001); Henry J.

UHURA: “Sounds time consuming once again. I bet most professors would not devote so much time to the in-house journal at their school.”

MZEE: “I see it as part of my duty to the institution, the students, and to the profession.”

UHURA: “It seems like you have had an absolutely fantastic career. Don’t you feel that you can rest on your laurels?”

MZEE: “Young lady, as I said when you came in, I still have a lot to do. I am finishing my second volume on *African American Interests in International Law*, which covers 1820–1920, basically the period from after the War of 1812, when volume one concluded to the end of World War One. Then, there is still the third volume that will cover 1920–2020.”

UHURA: “I heard it took many years to finish volume one. No disrespect, but it seems like you would be 100 before you could finish volume three.”

MZEE: “Well, one of our greatest race men, the legendary W.E.B. Du Bois lived until 94, still going strong! He was the first Black to get a Ph.D. from Harvard in 1896, and he died in Ghana on the eve of the 1963 March on Washington.<sup>41</sup> But I get your point. I have in mind a co-author just in case.”

UHURA: “Who is it? Is it my aunt?”

MZEE: “No, Geneva is fantastic, but her focus is primarily U.S. law.”

UHURA: “Well, then who?”

MZEE: “Adrien Wing. She and I recently co-authored a memoriam piece about our dear colleague, my fellow Yalie, and another one of her mentors, Burns Weston, for *AJIL*.<sup>42</sup> We work well together and she is a Dean now and a very senior professor at the University of Iowa, where she has been for thirty years. If something happens to me, I know she would get that last volume done.”

UHURA: “Oh yes, she’s famous too, but she is older than my aunt. Shouldn’t you have a backup that’s much younger?”

MZEE: “Well, if something happens to me, then Adrien can get her new co-authors. There are some very impressive young African-American professors out

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Richardson III, *Commentary, The Execution of Angel Breard By the United States: Violating an Order of the International Court of Justice*, 12 TEMP. INT’L & COMP. L. J. 121 (1998); Henry J. Richardson III, *John M. Lindsey, Professor Emeritus, 1932-1998*, 12 TEMP. INT’L & COMP. L. J. vii (1998); Henry J. Richardson III, *Failed States. Self-Determination, and Preventive Diplomacy: Colonialist Nostalgia & Democratic Expectations*, 10 TEMP. INT’L & COMP. L. J. 1 (1996); Henry J. Richardson III, *Recent Struggles for Democracy Under Protocols I and II to the Geneva Conventions*, 6 TEMP. INT’L & COMP. L. J. 13 (1993); Richardson, *International Law and the Continuation of Sanctions against South Africa*, *supra* note 29; Richardson, *The Obligation to Withdraw Recognition from Pretoria as the Government of South Africa*, *supra* note 29; Henry J. Richardson III, *The Advent of the Temple International and Comparative Law Journal*, 1 TEMP. INT’L & COMP. L. J. 1 (1985).

41. See generally DAVID LEVERING LEWIS, *W.E.B. DU BOIS: A BIOGRAPHY 1868-1963* (2001).

42. See generally Richardson & Wing, *supra* note 39.

there including Catherine Powell,<sup>43</sup> Jeremy Levitt,<sup>44</sup> and Karen Bravo,<sup>45</sup> among others.”

UHURA: “Oh look at the time, professor. I have a study group in a few minutes. I have one more quick question. What’s the secret to such a long career as a race man?”

MZEE: “In my case, it is having a race woman by my side. My wife, Lynee, and I have been together for many decades. She has had her own career as a prize-winning journalist often dealing with race issues and our work has been in sync over the years. Our mutual love and support sustain us through thick and thin. Look for that. Cherish that when you find it. At the end of the day, love is what we have.”

UHURA: “Thanks for everything. I’ll be in touch soon.” And she dashed out.

Mzee quickly packed his briefcase. It was students like Uhura that continued to make his job so wonderful even after more than thirty-five years. He had no doubt that she would be a race woman in her career. He glanced at his watch. If he hustled, he could make the train that left in 30 minutes. His wife would be waiting in their D.C. home. That thought always made him smile.

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43. Catherine Powell, *How Women Could Save the World, If Only We Would Let Them: From Gender Essentialism to Inclusive Security*, 28 YALE J. L. & FEMINISM (forthcoming 2017).

44. Jeremy Levitt, *Beyond Borders: Martin Luther King, Jr., Africa And Pan Africanism*, 31 TEMP. INT'L & COMP. L. J. (May, 2017).

45. Bravo, *supra* note 3.