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BREAKING GLASS, BALANCING POWER

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So many current national debates arise from widely differing interpretations of the US Constitution. Attorney, academic, and playwright Gloria J. Browne-Marshall MFA '94 brings her professional expertise and personal experience to bear in reflecting on the implications of those debates.

When she started high school in Kansas City, Missouri, Gloria Browne-Marshall MFA '94 traveled a different route each morning than her three older siblings had. A school bus picked her up near her home on the predominantly African American East Side and carried her across Troost Avenue, the city's informal but inflexible dividing line at the time, to Southwest High School on the predominantly white

West Side. The US Supreme Court had ruled two decades earlier that school segregation was unconstitutional. But as cities fought integration efforts, the gap between law and life remained large in many places for many years.

Her older siblings had attended Southeast High School on the East Side, where their battered textbooks, as she recalled, had Southwest stamps on them—leftovers shipped across town to the African American school when new editions arrived at the white school. But when her own time came, the local legal battles had ended and busing had begun. “It was a small number of us initially,” Browne-Marshall says. “It was always this sense that we’re going to allow you to come to the school because we can’t do anything about that, but we’re not welcoming you into our neighborhood.” ☺

Observers with clipboards sometimes visited her classroom, checking that African American students weren't shunted off to the side and ignored. "I had no idea they were civil rights attorneys," she says.

Nor did she have any idea that, two decades later, she would be one of them: an attorney for the NAACP Legal Defense and Educational Fund working on desegregation cases, checking the schools of Charlotte and Mecklenburg counties in North Carolina for signs of racial inequality—measuring just how wide the gap still was between what the Constitution says and how Americans live.

And she is still minding that gap today, from many angles—as a law professor at John Jay College of Criminal Justice; an author of several books (Cornel West called *Race, Law, and American Society: 1607 to Present* "a gem"); a playwright (she started work on her most-produced play, *Killing Me Softly*, in Sarah Lawrence's Graduate Program in Theatre); and a widely heard commentator in print, radio, television, and public forums.

"The way people see the Constitution is like one document kept under glass that we look at every now and then on bus trips," she says. "But it's a living document that's molded, pushed, and pulled by the legislative, executive, and judicial branches."

Her mission has been to break that glass. "To be a person who demystifies the Constitution," she says,

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"to help people better understand it, and to act as a bridge to what the Constitution says."

That has been an especially important mission lately, as the pushing and pulling about the Constitution has driven the daily political debate and led to the impeachment of the president.

"We have a president who doesn't understand the Constitution, who says, 'I can do anything I want,'" she says. "I don't know if he's ever actually even read Article II of the Constitution to understand about the overlapping of the branches, the powers that they have to act as checks and balances against each other."



The living room in her family's Kansas City house had orange, yellow, and red shag carpet—Browne-Marshall can still see it glaring in her memory—and she was sitting in front of the television there one day during middle school with her dog Lobo, a big shepherd mix, watching a talk show. "Smart people talking about the issues of the day," she says. "I see this black guy with big eyes, and he's smoking a cigarette, and I just remember him speaking with such elegance, these fluid, fast bursts of sentences, and I thought, 'Who is this guy?'"



"There's been a successful fight to make the Constitution a reality for most people," Browne-Marshall says, "but there's still a long way to go to make it benefit all people."

It was James Baldwin. "I knew right then and there that I wanted to be like him. If I didn't say it out loud, I said it inside myself: *I want to be like him.*"

Her own road to those forums where smart people talk about the issues of the day was circuitous. Her ancestors had left Kentucky after the collapse of Reconstruction and arrived in Kansas in a wave of African American homesteaders in the 1880s. Her mother grew up on a farm, dreaming of studying at Juilliard and becoming a concert pianist.

Her mother never got to Juilliard, but Browne-Marshall and her five siblings got to college. She earned a bachelor's degree in sociology and theatre at the University of Missouri, a master's degree in government from the University of Pennsylvania, and then a law degree from St. Louis University. "I was always trying to figure out and examine why people did what they did," she says about her varied academic path. "That's why this nexus of law and theatre and writing all comes together for me, because it gives me various platforms to explore human behavior and try to communicate that exploration to other people."

Before she came to New York to work for the NAACP, Browne-Marshall clerked for a federal court judge in Philadelphia, worked as a staff attorney for the Southern Poverty Law Center in Alabama, then returned to Philadelphia and advocated on behalf of children with health issues for Community Legal Services. And all the while she was writing plays and staging them with local theatre groups. "I had this dual life," she says. "People at night did not know what I did during the day, and vice versa."

From Philadelphia she traveled up to Sarah Lawrence to focus on playwriting in the MFA program, until health and family demands forced her to stop after a semester and a half. "It's one of my major regrets that I still have, that I didn't finish," she says.

But not finishing didn't stop her from writing—10 plays and counting, two screenplays, a novel in progress, and a documentary also in progress. (An action screenplay, *Freeman's Men*, recently received awards at international film festivals in New York, Nice, London, and Amsterdam.) Among her plays is one inspired by her mother: *My Juilliard*, about three generations of African American women.

Browne-Marshall shifted into academia while still at the NAACP, as a visiting lecturer in the Africana Studies program at Vassar College. After joining the faculty at John Jay in 2002, she found herself assembling handouts for students to fill the gaps left by what she saw as course books that were unsuitable for non-law students, so she

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decided to write one herself. "One book in an accessible format that shows how this is all interrelated," she says.

Race, Law, and American Society analyzes four centuries of legal cases to show how deeply rooted racial discrimination is in America. "Every time I touched on a topic or touched an era, I realized that there were cases that went back even further," she says. "So I was going back further and further, and next thing you know I'm in the 1600s."

A 1669 law in Virginia, for instance, held that the "casual killing" of a slave who was resisting a master would not be treated as a felony. "So this is how long in North America that Africans have been killed without consequence," she says.

Her latest book, published last year, is *The African-American Woman: 400 Years of Perseverance*. "If you look at it as a stock market chart, you would see we started fairly high," she says, citing the heights of African civilization as embodied by the subject of one of her poems, Queen Nzingha, a leader in what is now Angola. "We go from having that type of power to dipping down very low in slavery, rise up midstream with the end of slavery until the end of Reconstruction, then dip down again with Jim Crow segregation, then rise almost to where we were when we started."

Browne-Marshall has been especially busy lately. She's the founder and director of The Law and Policy Group, a nonprofit think tank whose mission, she says, "is to bridge the gap between laws and policies and the people governed by them."

The group publishes a pocket-size copy of the Constitution that highlights the sections that most directly affect African Americans—like the provision that escaped slaves must be returned to their owners. "African Americans put the conscience in the Constitution by challenging so many laws that were in conflict with the ideals in the document," she says. "And in challenging those laws we not only carved a niche for us but spread the protection for other people as well." ☺