

2001 Interview with Laurence H. Tribe, Constitutional Scholar and Muralist

By Brooke Oliver

Laurence H. Tribe is one of the most widely recognized and well-respected Constitutional scholars in the world. A full professor of Constitutional Law at Harvard, he argued on behalf of Al Gore before the U.S. Supreme Court in the Year 2000 presidential election contest with George Bush. Eight days later, CNN turned to him to interpret the Supreme Court's order halting the recount of Florida ballots. Tribe has been recognized for having a "profound and far-reaching influence on the understanding and development of constitutional law." An honorary doctorate from American University was awarded "by the authority of the Congress of the United States" for "scholarship, writing and advocacy showing a stunning breadth of expertise...from mathematics to technology assessment ... demonstrating a sensitivity to a world undergoing massive technological change." Tribe's breadth goes further – he is an artist and muralist.

On a 2001 trip to San Francisco, Prof. Tribe returned to Aptos Middle School to visit the mural he painted while a student in the mid-1950's. The public school has preserved the mural for forty-six years in the School library, near another mural by Tribe's beloved art teacher, Mary Glunt. Young Tribe's mural depicts a richly diverse human civilization at a time when almost every student in his middle school was white and the Civil Rights movement was in its infancy. In 1954, the Supreme Court first ruled in Brown v. Board of Education that separate but equal educational facilities were inherently unequal.¹ The following year, Rosa Parks sparked the Montgomery City Bus boycott.² Ethnic diversity in San Francisco in the fifties was a far cry from today's diversity. The 1950 U.S. Census showed fewer than 12% of the San Francisco-Oakland area population was "non-white."³ Although that figure more than doubled in the next ten years, de facto segregation in schools and the workplace continued.⁴ Even in the supposedly tolerant climate of the Bay Area, many employers did not want to hire African Americans, Latinos and Asians.⁵ The struggle to truly desegregate San Francisco schools did not come to a turning point until 1983, when a consent decree required each school to have representation from many ethnic groups.⁶

Tribe's visit caught the attention of Susan K. Cervantes, master muralist and director of Precita Eyes Muralists, a San Francisco non-profit that teaches muralism in public schools, the community, and internationally. What follows is a conversation between Susan and Professor Tribe. He graciously introduced himself as "Larry."

Susan K. Cervantes: Precita Eyes muralists paint many school murals, and we were very interested to learn that you came from so far to visit your mural after so many years. It was also exciting to learn that it was still on display, when so many school murals have been lost. When exactly did you paint your mural?

Larry Tribe: I did not remember exactly until I revisited the mural. I saw on the wall that I signed it in 1955. Then the memories came flooding back to me. I began it 1954 or perhaps in late 1953. I worked on it for a long time, before school, during art class, and after class.

* This interview took place in July 2001. Article author Brooke Oliver is an intellectual property and art lawyer practicing in San Francisco.

¹ Sanford Wexler, The Civil Rights Movement: An Eyewitness History, p. 42, Facts on File, Inc. New York (1993).

² Wexler, 67-68.

³ There were 81,469 "nonwhite" individuals living in the San Francisco-Oakland Area compared with 693,888 "white" individuals. That figure included foreign-born "white" people. Table II: Age, Marital Status and Economic Characteristics, Census Tract Statistics, United States Census of Washington D.C. 1950 vol. III, *prep'd* under supervision of Howard G. Brunsman, U.S. Govt. Printing Office 1952, p.23.

⁴ See Table 115—Employment Status, Census of Population 1960 vol. 1, *prep'd* under the supervision of Howard G. Brunsman, U.S. Govt. Printing Office, Washington D.C. 1963, 6-612.

⁵ Irving Babow, Ph.D. and Edward Howden, A Civil Rights Inventory of San Francisco, San Francisco (1958), 140.

⁶ The 1983 consent decree required each school to have no more than 45% of a given ethnic group among a school's students. At least four of the nine groups that composed the city's student population had to be represented. Ken Hoover, "S.F. Rally Honors Ruling that Struck Down School Segregation," San Francisco Chronicle, Wednesday, May, 18, 1994

SKC: We recently took photos of the mural. I was struck by the fact that it was obviously well thought out and carefully painted. We were very impressed, particularly knowing that it was done when you were only thirteen or fourteen.

LT: Thanks, I worked hard on it.

SKC: Looking at the design, I see a panorama of students and people from many times in history, along with a pyramid, a building like the Parthenon, and a city in the background. On the left is apparently a classroom, with Asian, white, Latino, and black students. One has an artist's palette in his hand. In the center are an ancient Egyptian and knight in armor. In the right foreground is a torch with an open, translucent book and scroll nearby. The book shows a cross on one side and Star of David on the other, with people of all colors reaching toward the torchlight. I see women and men, Arabic, Latino, white, and black, with a road winding back to perhaps a city of the future. What were you intending to depict with this design?

LT: The idea was to display humanity from the beginning of civilization, culminating in a celebration of knowledge and brotherhood. The torch and bible symbolize spiritual and scientific advancement.

SKC: Did you do the mural alone, or was it a collaborative piece?

LT: I did it all myself. My art teacher, Mary Glunt, did the other mural in the library. It was Miss Glunt who got me involved in the mural project. She inspired me, and led me to believe that I could do a work of art that ambitious. [The mural is approximately twelve feet long by four or five feet high.]

SKC: What did the mural project mean to you at that age?

LT: I can't say that I was very reflective about it at that time. Only that I was preoccupied by it, that it fully absorbed me. Once I got into it, it was very important to me to finish it. It took a long time, and toward the end there was some competition between my graduation date and completion of the project. I just barely got it finished before I graduated. I began the mural probably at the beginning of eighth grade, then took some time away from the project, then went back to it at the end of eighth, working on it through much of 9th grade.

SKC: That reflects tremendous dedication to the project. It's rare in my experience that a student works on an art project over the course of a couple of years.

LT: Well, some kids devote themselves to sports or learning an instrument. This was my obsession.

SKC: As a child, what did you learn from doing the mural?

LT: There was something about the awkwardness of the paint – I can't remember if it was oil or tempera – which made the process more deliberate and self-conscious than if the work had been in a more familiar medium. Normally, I used to work mostly in pastels and I could use my fingers to spread the colors. I had an easy time of it with pastels. But because the paint was so ponderous a medium, much of the playfulness and spontaneity that characterizes my work in pastels was absent. That spontaneity remains an important part of the work I do. When I teach, which I love even more than arguing at the Supreme Court, I draw lots of diagrams, using many colors. They are free flowing, using interconnections that are non-linear to express the indeterminate and multi-faceted character of legal relationships.

SKC: What inspired you to go back and visit the mural, 46 years after you finished it?

LT: I heard it was still there because the son of a person my mother knows went to school at Aptos. She mentioned to my mother that her son had seen the mural, then sent a photo of it to her, which my mother then sent to me. That rekindled my interest in it. Recently I came to San Francisco to visit my mother. On a lark, I called Aptos, and the school graciously invited me to come see it. My daughter, an artist in Los Angeles, was also visiting, and she came with us to see the mural.

SKC: When you saw the mural again, how did you feel?

LT: I had lots of mixed feelings. I remembered the entire process to a dramatic degree. Most vividly, I remembered the difficulties encountered in painting it. For example, the Egyptian guy – it was so hard to paint his back so that it looked right. I was surprised the memories were that vivid.

SKC: What was the thinking that went into some of the other images in the mural?

LT: The torch and bible, with the hands reaching toward both, are painted to appear transparent. Achieving that effect was really hard to paint, too. But I used their transparency as a way to symbolize that things that are spiritual are both real and imagined.

SKC: As an adult and Constitutional scholar, do you have any comments about the mural as a medium of expression?

LT: That's a good question, and a hard one. Because the type of paint I used forced me to be more deliberate and planned than I was accustomed to being with pastels, I had to make many preliminary drawings on white cardboard. As a result, I put a great deal of thought into the sequence and into the people and symbols illustrated.

SKC: Yes, I can see that. Both murals, yours and Miss Glunt's, show a multicultural and diverse population. For the mid-1950's, that was ahead of its time, wasn't it?

LT: Yes. At that time, both Aptos Middle School and Abraham Lincoln High School which I later attended were just about entirely white. Some of us even then saw that as a drastic limitation, and we envisioned diversity as a characteristic that would improve places like Aptos and Lincoln. Seeing the many peoples represented in the mural brought back to me the feelings I had about that even then. Then, it was a diversity of imagination, not of reality.

SKC: It was within you, but not yet in the world.

LT: Exactly right.

SKC: Did you know anyone that you painted in the mural?

LT: Actually, there was one Filipino girl in the school who sat for me. I think she appears in Miss Glunt's mural, which I assisted her with. The kid holding the palette in the back is a self-portrait.

SKC: I noticed that the mural seems very fresh and preserved. It is hanging above the door in the school library. Did you paint it there?

LT: No, I painted it on canvass in Room 229, the art room. Once it was put in the library, I did the finishing touches standing on a stepladder. It's funny -- of all the many classrooms I've been in, Room 229 is the only room that sticks out in my mind. It was on the second floor, and you turn left to get there. When I returned to the school, I did that and the room was right where I remembered it.

SKC: Have you continued to create art?

LT: I have done a number of pastels, not many oil paintings. My passion for art continued through the 80's, but it has been twenty years since I've done much artwork. My creative impulse has since gone into legal writing, not painting.

SKC: Are there any other comments you'd like to make about the mural?

LT: Mainly, that I have an enormous feeling of gratitude for Mary Glunt, the art teacher who had so much confidence in me and who was so supportive. She even made sure I was not transferred to a new school as some kids in my neighborhood were. I didn't want to change schools, and I was also completely absorbed in the mural. She used my involvement in the mural to justify allowing me to stay at Aptos.

I'm also very grateful to a public school system that would make a project like this possible, and even more touched by the loving care that it's gotten over the years. Many things disappear over the course of 40 years, and to find it still on display meant a great deal to me.

SKC: Thanks so much, Larry. Your comments show the importance of preserving student murals. That it meant so much to you to see that your mural had been recognized and preserved points out how important it is to give other students the opportunity to come back and have that experience years later. There may be other murals like these that we just don't know exist.

LT: I hope my experience can help preserve them.

Public school and other murals are an ever growing and ever more significant collection of public artwork. Murals are much more than pictures on the wall. They are a public trust. Murals celebrate the diversity and spirit of our civilization; they are expressions of history and the artist's dreams for the future. After working hard and deliberately to paint a celebration of multicultural knowledge and brotherhood, Larry Tribe went on to help bring his imagined world into being. The visionary young dreamer learned the discipline and technical skill necessary to paint the world he envisioned. Tribe is a muralist who went on to act powerfully upon the world as a teacher, writer, and advocate, bringing our society closer to the diverse brotherhood he painted on canvass at thirteen.

That this mural survived to trigger Tribe's memories was a matter of luck and the loving care of one school. Many other school murals around the country remain a deep source of pride. Community members, filmmakers, and alumni often stop by to admire the visual accomplishments at their neighborhood schools. School murals present daily history, culture, and civics lessons in a graphic, vibrant, and easily appreciated form. Preservation of school murals demonstrates to current students that educators value the murals' educational content and respect students' tremendous creative efforts. Sadly, other significant school murals have been damaged or painted over. Destruction of their predecessors' murals can discourage current students from making their own all-out creative efforts. Although federal and state laws exist to help artists preserve original artwork, the statutory scheme does not work well for schools and student artists. Many school districts and muralists are struggling to create local policies that more effectively balance mural creation and preservation with facility upgrades and maintenance. Those interests are not necessarily in opposition. With good planning and consultation with the muralists, many murals can be saved and restored. One never knows which student artist will become famous, or which mural will inspire a child to greatness.