

2021

Student Tributes to Professor Kent Newmyer

Jessica M. Zaccagnino

Alexander G. Andrews

David K. Ware

Follow this and additional works at: https://opencommons.uconn.edu/law_review

Recommended Citation

Zaccagnino, Jessica M.; Andrews, Alexander G.; and Ware, David K., "Student Tributes to Professor Kent Newmyer" (2021). *Connecticut Law Review*. 457.

https://opencommons.uconn.edu/law_review/457

CONNECTICUT LAW REVIEW

VOLUME 52

FEBRUARY 2021

NUMBER 4

Remarks

Student Tributes to Professor Kent Newmyer

JESSICA M. ZACCAGNINO, ALEXANDER G. ANDREWS &
DAVID K. WARE

The following are the published remarks of the students and former students of Professor Kent Newmyer who spoke at a celebration honoring his work on Friday, November 8, 2019, at the University of Connecticut School of Law.



Student Tributes to Professor Kent Newmyer

JESSICA M. ZACCAGNINO

Before I get started, I would like to thank Professors Newmyer and Siegelman for inviting me to speak at such a wonderful event.

I met Professor Newmyer in the fall semester of my 2L year. Finally possessing the freedom to choose an entire semester of classes, I leapt at the chance to enroll in Professor Newmyer's American Slavery and American Law.

I came to UConn Law from Bard College, a small liberal arts college where I studied Human Rights and Politics. The Human Rights Department at Bard was deeply interdisciplinary—I could seamlessly float between departments where I was permitted to take classes on Milan Kundera's literature and drone warfare, side-by-side, in furtherance of my degree. My liberal arts education encouraged—if not forced—me to both dive deep in my interests, while also studying them outside of a vacuum. My professors situated whatever we were studying within broader societal contexts, often bringing in material from disciplines vastly different from their own. For example, my first reading for my studio arts class on printmaking was Walter Benjamin's "The Work of Art in the Age of Mechanical Reproduction," if that tells you anything.

So, I arrived at law school with the deeply held conviction that rigorous academic study necessarily involves a willingness to look beyond your primary discipline and listen to those writing from different perspectives. And I believe that this applies to the study of law as well. Law—if wielded properly—is a method by which society may ensure basic human rights and fundamental freedoms. However, how we conceive of these rights and freedoms is shaped by hundreds of years of work by scholars of the humanities, and the law functions through political institutions that are the subject of study by the social sciences. An interdisciplinary approach to the study of law is also vital to understanding how law can be manipulated as a tool of oppression or what happens when the rule of law ceases to function entirely.

Professor Newmyer's class is essential in this endeavor. While in our 1L doctrinal classes we may touch upon some of the history behind a case or a body of law, there is no guarantee that these discussions will be lengthy or extremely critical. Fortunately, we have Professor Newmyer, whose class explores the role that law and lawmakers played in the creation and operation of slavery as an institution, focusing on the period of time between the adoption of the Constitution and the ratification of the Thirteenth Amendment. I can truly say that Professor Newmyer's course is

one of my favorite classes because it provided a venue for students to immerse ourselves in our nation's complex and fraught history of horrific oppression. We not only read cases involving slavery, but also major, incredible works of history and social theory. My heart sung when we were assigned readings on Gramsci's cultural hegemony, and I was so happy to see that my classmates approached these readings with such great enthusiasm.

When I sat down to write this speech, I was reminded of Bryan Stevenson's discussion yesterday on the role of memory in America, where we are still grappling with our history of slavery and Jim Crow—and our modern-day apartheid of mass incarceration. Stevenson urged us to strive for the creation of a culture where we must remember this country's moral transgressions and racism because it is so important to understand who we are and how we came to be. Lawyers and the legal system have a unique power to use our abilities to advocate for historically oppressed groups. Narrative, Stevenson said, is key to making the rule of law powerful and effective. We ought to remember our history in order to counter the politics of fear and anger—central ingredients of injustice—that have taken hold, not only in our country, but globally.

In order to move forward toward an era of truth and justice, we need incredible educators, like Professor Newmyer, that will graciously guide their students through our difficult history and impress upon young legal minds the importance of thinking critically about law and lawmaking outside of a vacuum. I am so thankful that UConn values these principles by allowing Professor Newmyer and others to teach interdisciplinary, essential courses like American Slavery and American Law, especially in a time of attack against the humanities.

When I arrived in Professor Newmyer's class, I was blessed to meet such a kind and genuine educator. Professor Newmyer truly cares to know his students—so much so that whenever I woke up late and failed to bring my three-cup jar of black coffee to class, complete with a USB powered mug warmer, Professor Newmyer would always ask if I was doing okay. Even after our semester together ended, Professor Newmyer always takes the time to chat with me at the circulation desk and keeps in touch. Professor Newmyer is not only an incredible educator, but also an incredible person. He brings so much joy and such a voracity for learning to this campus that it is infectious upon everyone that crosses his path.

To Professor Newmyer, thank you from the bottom of my heart. The lessons you taught me have undoubtedly influenced my approach to law and will stay with me forever. Thank you.

ALEXANDER G. ANDREWS

What an honor it is for me to have been invited to make a few short remarks at this event recognizing a giant in the world of legal history.

Professor Kent Newmyer is an eminent authority on American legal history, the author of the preeminent biographies of two of this nation's most important (but also highly flawed) jurists (Chief Justice John Marshall and Justice Joseph Story), and a brilliant and unique thinker and storyteller. But above all else, he is one of the most talented *teachers* I ever had the privilege of learning from. And those two talents—being a leading scholar and also a respected teacher who can truly connect with students—do not always coexist in the world of academia and can even be mutually exclusive concepts. But not for Professor Newmyer. For him, these two talents conflate, thus making him the rockstar that he is.

The two courses Professor Newmyer teaches at the Law School complement each other quite well, as his seminar on American slavery is in essence an extension of his course on the history of American law. He never shies away from challenging his students' preconceived notions on a range of topics, exposing the horrors of the institution of American racial slavery in a much more powerful and appropriate way than any educator I have ever come across. His storytelling is immaculate, with a down to earth style that is impossible to replicate. And while "seminar" has the connotation on law school campuses as "easy A," his two courses are quite the opposite. He assigns significant amounts of reading and his expectations for the final paper are high, as they should be, considering the importance of the topics he teaches.

Professor Newmyer is also one of the humblest individuals I have ever met. He regularly reprises a common refrain—that he is not a lawyer, but instead a *mere* historian, implying that the legal analysis should be left to us law students, not him. But, as all of his students know, the latter could not be further from the truth. Professor Newmyer, albeit not a lawyer, is in fact a brilliant legal thinker who is exceptionally adept at legal reasoning, argumentation, and interpretation. He can dissect a case like no other and dive deep into the intricacies of statutes with little difficulty. He would have made a brilliant lawyer—and an even better judge. But the history profession would not have been the same without him and that field is undoubtedly thankful that he chose the path he did.

My experiences with Professor Newmyer during my second and third years of law school have shaped my thinking and have molded, honed, and even forced me to reexamine and amend some of my views. Furthermore, his instruction has vastly improved my writing—an integral (and arguably the foremost) lawyering skill. For that, I am grateful.

What became clear in Professor Newmyer's seminars, if it was not obvious already, is that there is really no middle ground on American racial slavery. But the depraved institution is nevertheless ripe with ironies, juxtapositions, and hypocrisy. It ever so aptly exemplifies the complexities of the human condition. And Professor Newmyer meticulously, with remarkable rigor and passion, develops and exposes these intricate themes

in such an intellectually honest and, frankly, brilliant manner. That, among other reasons, is why we are all here today to honor him, and why the Law School is privileged to have him as a member of its faculty.

It was a true pleasure to play a role in celebrating the accomplishments of one of my favorite teachers. Congratulations, Professor Newmyer. While I know you are hesitant to accept them, you have earned the plaudits.

DAVID K. WARE



This is a New England stone wall.¹ Some of you might know why I would begin my remarks by showing this image. For those of you who don't know, Kent's hobby, when he is not digging through archives or leading a seminar, is the building, rebuilding, or restoring of these enduring icons of our stone-rich region. This strikes me as a perfectly fitting pastime for a historian of the early American republic, since many of New England's stone walls were already a distinctive part of the landscape when, for example, Supreme Court Justice Joseph Story—a native son of rocky New England—was appointed to the Court. These walls are, themselves, history.

¹ JazzmanJohn1, *New England Stone Wall*, FLICKR (Aug. 28, 2010), <https://www.flickr.com/photos/jazzmanjohn/4934687951/> (last visited Jan. 17, 2021) (photo credit).

There is another reason why I show this picture, and that is because the building of these walls involves skills and practices that in so many ways resemble those of a teacher. And, happily, that affords me the opportunity, and the honor, to shamelessly exploit the stone wall metaphor for just a few minutes in praise of Professor Newmyer, the *teacher*.

First, make no mistake about it—just as the constructing of stone walls is hard work, so too is the job of teaching. Both jobs require a great commitment of time and energy and effort. Each can be exhausting, but each also results in that “good, healthy” kind of tiredness—a sense that, despite one’s sore body muscles or brain muscles, something real and important has been accomplished. For the stone craftsman, at the end of the day, the emerging stone wall is tangible evidence of a hard day’s work, just as, for the teacher, the emerging understanding evident on the faces of eager students, although perhaps less tangible, is likewise a mark of progress. A good long day of either teaching or wall building entitles one to a nice hot shower and a relaxing glass of wine.

But the building of walls and the teaching of students share many other similarities:

First: Vision, Preparation, and Planning: Just as the stone mason begins with a view of the desired end product—a goal and a plan for achieving it—so, too, teachers like Kent envision the expected learning outcomes for their students—they devise a plan for reaching those objectives, and they map out a path toward those ends. Think course content development, and syllabus creation.

Next, consider how the builder of walls must see to it that the foundation for the wall is secure and stable—ready to receive further courses of rocks without collapsing into a chaotic pile of rubble. Teachers like Kent do the same—they assure that their students are grasping the meaning and importance of their assigned studies before building on and enriching those ideas with others, lest the *students* should collapse in a jumbled heap of confusion.

Consider, also, that when building or restoring a wall, the selection and placement of each stone is a strategic exercise—the stone must be of the right size and shape, and it must fit appropriately into its place in the overall structure of the wall. Likewise, teachers of Kent’s caliber thoughtfully choose the building blocks for their pedagogical projects, introducing the right ideas and subjects in the right places, at the right time. For both the educator and the builder, the expert application of these skills assures an outcome both worthy of the effort, and deserving of appreciation: for the stone mason, walls of strength and beauty that will endure for decades or centuries; and for educators, like Kent, students who are equipped with analytical skills and a love of learning that will carry them through life’s challenges using the building blocks of reason,

perspective, and compassion to define and understand the pastures and fields of their own lived experiences.

And finally, recall that New England farmers built these walls not just to separate themselves and their cattle from each other, but also to make their properties more amenable to planting. Wall-building was an integral part of making lands fertile. Similarly, for thoughtful educators like Kent, teaching is all about developing fertile minds—the better to yield a well-informed, participative and thoughtful citizenry.

In summary, it is not surprising that Kent Newmyer the *teacher* is also Kent Newmyer the *stone craftsman*. He possesses all of the above-mentioned virtues and attributes that those two endeavors share. At UConn, we are so fortunate to have his skill, his energy, his vision, his insight, and his dedication to our success. On behalf of all of us, thank you, Professor Newmyer, for being our teacher.