Introduction: Teaching through Tragedy

David Logan
Like all Americans, I will never forget where I was and what I was doing.

As I left the classroom at 9:50 a.m. on September 11, I was surprised to see the Law School’s senior secretary near the door, and to hear the stunning news that commercial airliners had been hijacked and flown into the World Trade Center and the Pentagon. Just as shocking was the news that other planes were airborne and under the control of terrorists. Dazed, I followed the crowd of students and staff heading toward the auditorium, where a projection TV displayed the surreal images of a raging fire and soon thereafter, the collapse of the landmark towers.

Although I was wracked by grief, fear, and anger, I retained enough presence of mind to head to the classroom for my 11 a.m. Torts class. As I stepped inside, it occurred to me that I had no idea how I should proceed. Adding to my uncertainty was the fact that we were in the third week of classes, not enough time for me to be confident that I could accurately predict the reactions of first-year students to the tragedy. Nevertheless, two thoughts drifted to the front of my consciousness that shaped my pedagogic plan.

First, I thought of doctors near Ground Zero, and I was certain that they were going to consider it their professional duty to remain calm in order to help others deal with the carnage and chaos swirling about them. Therefore, I, as a role model for my students, should attend to the task at hand—teaching the law—to show them that a professional can, indeed must, rise above the emotions that clients experience. My second thought was that this could be a “teachable moment,” and that I should try to connect the horrific events of the day to the assigned materials. Fortunately, we had recently covered the cost/benefit approach to determining negligence, so it appeared easy to focus discussion on how those principles applied in the context of air safety.

I began the class with a moment of silence in honor of the victims, and then explained why and how we would proceed. (I did notice that there were several empty seats, surprising for early in the semester, but I assumed that given the day’s events, the missing students had perfectly good reasons for being elsewhere.) So I plunged ahead; the resulting discussion was not without emotion, but satisfyingly broad-ranging and analytical. As I recollect, the highlight occurred when a student suggested racial profiling as a means to increase safety without greater expenditures on technology. I

* Professor of Law, Wake Forest University
was equally pleased when that suggestion was met by an energetic response by several civil libertarians.

The session sped by and as I left the room and shuffled back in the direction of the auditorium I was intercepted by a first-year student who told me that one of the absent students was desperately trying to find out whether her father, who worked in lower Manhattan, was safe. Another, who did attend class, was concerned for a friend who was flying from Boston to Los Angeles that day. I was stunned; while Wake Forest always has some students from the Northeast, I had proceeded based upon the naive assumption that no one in my small group of forty students would have a direct link to the tragedy. I set out to find our Associate Dean to make sure that she knew this, but en route saw one of the affected students outside speaking into a cell phone. It turned out that she had just then heard that her father was safe, and I joined the group surrounding her, shouting my congratulations. Later that day I learned the friend of the other student had perished in the crash into the South Tower.

As the days passed, the scope of the tragedy became clearer, and we all began incorporating the unthinkable into our thoughts. I began asking colleagues at Wake Forest and at other law schools about the pedagogic and institutional challenges that 9/11 presented, and how they responded. I was not surprised that there was a range of responses. These conversations, in turn, prompted me to call Carl Monk at the American Association of Law Schools, inquiring whether the terrorist attacks were going to be on the agenda at the Annual Meeting in January. It turned out that several sections had changed topics and would address the civil liberties issues raised, but there was no plan to discuss the tragedy from the point of view of pedagogy, nor was there any indication that support services professionals or deans planned any formal discussion from their perspectives. Carl encouraged me to put together a program.

I was able to convince the Executive Committees of the AALS Committees on Teaching, Deans, and Support Services to be sponsors, and with their help developed the contours of the program. We paired a teacher from near Ground Zero with one from the hinterland; the dean of a City law school and one from outside the City, as well as a similarly matched pair of support professionals. Under the purposefully ambiguous title, "Teaching Through Tragedy," we asked them to discuss their immediate reactions to the attack: Did law school deans or individual faculty cancel their classes or press ahead? Did they structure the discussions or let them flow? How did or how could schools provide counseling when hundreds (thousands across a university) might need it almost immediately? We also asked the speakers to raise and discuss those issues that arose in the days and weeks following the attack: What were the public safety issues for those near the attacks (and for everyone in the wake of the anthrax scare)? How did schools determine, and then communicate, the welfare of the students, alumnae, and family members who were injured or killed? What did faculty
do to harness the outpouring of volunteerism? What measures had been taken to protect students of Middle Eastern origin?

Because the panel gathered in January, the speakers were also encouraged to reflect on the lessons learned in the time since the events of September 11. Faculty members from law schools across the country engaged in discussion, lent support to each other, and began the process of looking forward. Among the key participants were Dean David N. Yellen (Hofstra School of Law), Dean Lee E. Teitelbaum (Cornell Law School), Associate Dean Matthew Wilkes (New York Law School), Associate Dean Elaine Bourne (Boston University), and Professors Tanina Rostain (also from New York Law School) and Hiram E. Chodosh (Case Western Reserve School of Law). Through their reflections and comments, we began the process of identifying and dealing with those issues that faculty and administrators faced and those that they may be faced with in the long wake of the attack.