She describes her life as fortuitous. A series of unexpected doors that opened and through which she ventured, once as a young lawyer with dreams of racial justice in a time of raw hatred, later as a teacher and activist striving to help society’s outcasts. And now, Taunya Banks finds herself in the improbable role of historian. Searching the past for clues to the future, she hopes to make history relevant to where society is heading and to ensure racial justice for the generations to come.

A professor at the law school since 1989, Banks holds lofty positions in the two major leadership organizations in legal education—she is a member of the Executive Committee of the American Association of Law Schools and the Board of Trustees of the Law School Admissions Council. She is also vice president of the Maryland Humanities Council.

Law school was the furthest thing from her mind. As a college freshman at Syracuse University, Banks set her sights on an art career, either as a medical illustrator or an illustrator of children’s books. She was in her fifth semester as an art major when that door abruptly closed in her face.

“I was told that since I was black and a woman in the early 1960s, it was highly unlikely that I would be hired,” she recalls.

Active in campus politics, she turned her focus to political science with thoughts of joining the foreign service until she discovered that she was too young. Banks entered college at 16 and wouldn’t turn 21, a requirement for entering the service, until almost a year after her graduation. While Banks and a friend were chatting during Christmas break, the talk turned to law school, an idea that intrigued her.

“The only school I applied to was Howard University because they came to my school to recruit. I hadn’t even taken the admissions test,” she explains. “It was a fortuitous move, which is the story of my life—being in the right place at the right time and taking advantage of an opportunity.”

Banks thrived in law school, noting that “those were good activist days.” Between her studies and work on the Law Review, she contributed to an underground newspaper and joined fellow students in demonstrations against the war in Vietnam and for student rights. All to the chagrin of her father, who taught American literature and drama while serving as Howard University’s associate dean for arts and sciences.

“There were times when we did not speak, especially when students stormed the administrative suites where his office was located,” she recalls. “Fortunately, I was in the Law Review office at the time, making more posters for the demonstration.”

Banks left her native District of Columbia with a law degree and a family. She moved to Mississippi to work as a civil rights lawyer, a practice she found disappointing.

“It was very disappointing because at that time you lost most of your cases at trial and had to appeal. That was not my notion of justice,” she says. Pregnant with her second child, Banks chose motherhood over law. Her youngest child was 2 when an unexpected phone call marked the beginning of a new path her life would take. A local college was searching for a teacher for an undergraduate-level constitutional law course. Revived in the academic arena, her teaching career took off and led Banks to positions at Jackson State; Texas Southern University in Houston, where she served as associate dean; and the University of Tulsa in Oklahoma, where she was appointed by the governor to chair a subcommittee of Oklahoma’s Constitutional Revision Study Committee. Her research focused on the burgeoning AIDS epidemic, and, at the urging of a colleague diagnosed with HIV, Banks began to write about the legal implications of AIDS issues, including access to health care.

“I WANT MY STUDENTS TO GET A SENSE OF HISTORY AND TO UNDERSTAND THE NOTION THAT RACE IS FLUID.”
“We have to understand the past and create new legal theories in order to make things better in the future.”

1930s, “The Chinese walked a strange tightrope at that time because they were classified as neither black nor white,” she says. “Their children could go to white schools, but they couldn’t get a room at a white hotel or be served in a white restaurant.” By examining these so-called buffer groups (people who are not black or white but who fall between the lines of rigid racial definitions), Banks hopes to get a glimpse of how a colorblind society might function. She points to Mexico, which abolished all laws dealing with race in the late 18th century, although Banks argues that race continues to influence Mexican society.

“The visual arts reinforce old notions,” she says, describing a series of caste paintings called Las Casta, which feature 16 pictures of family groups with people of mixed races. “It’s like a caste system with three main racially mixed groups of mestizo (Spanish-Indian), mulatto (Spanish-black), and Zambo (black-Indian),” Banks explains. “Latin American scholars will tell you that even though they say they’re colorblind, there still exists this color caste hierarchy. How you look, how well you’re educated and how much money you make all determine where you fit on the spectrum.”

In this country, Banks sees a push for recognition of biracial and multiracial individuals, especially within the Hispanic community. She notes that census forms offer a variety of choices for Hispanics, including Hispanic-white, Hispanic-black and Hispanic-other.

“We have this crazy definition of race anyway,” Banks says. “In this country I’ve seen as black, but if I go to Europe or Latin America, they think of me as mixed race.” She predicts that while courts are reluctant to redefine race for people of African ancestry, within 50 years the United States will move away from hard racial categories and change the definition of who is black and who is white.

Having studied the Latin American culture and Baltimore’s Chinese community, Banks will soon turn her efforts to the 1950s immigration of the Lumbee Indians in Baltimore, the largest urban settlement of Native Americans.

“It brings us back to race in a different way,” Banks says, by asking who’s Native American and who’s not and by how inter-marriage affects a person’s status as a tribal member.

“I’m trying to think about new theories for ensuring racial justice,” she says. “The old legal theories are worn out and don’t work well in what I see as a changing environment. We have to understand the past and create new legal theories in order to make things better in the future.”