

CALIFORNIA WESTERN

SCHOOL OF LAW | San Diego

The shocking murder of George Floyd by police has outraged our nation and the world. The email I sent last Monday, June 1, was inadequate. I share the anguish felt by so many others in our community over the death of George Floyd. But this is not only about people dying at the hands of the police. It is about injustice and the systematic, unequal allocation of privilege, features of the American landscape that have existed since the Republic was founded. Our students rightly challenged me to do more and to say more. Before sending this message, I consulted with several members of our campus community, including Dean Sean Scott, who soon will be President and Dean. I am grateful for her help throughout the last week.

The first thing I must do is to thank the students who challenged my June 1 email to the campus. Audre Lorde, an extraordinarily gifted poet, wrote, “When we speak we are afraid our words will not be heard nor welcomed, but when we are silent we are still afraid, so it is better to speak...your silence will not protect you.” So, I welcome and commend the courage our students have demonstrated in speaking. You follow in the long line of people who have chosen to speak rather than to remain silent: Sojourner Truth, Ida B. Wells, Fannie Lou Hamer, Malala Yousafzai—advocates for justice, all, and worldwide heroes.

Second, I honor the challenge to action issued to CWSL. It translates, to me, as a demand to address and identify the role of the law school in confronting the injustice, structural racism and oppression that continue to exist in our society. As a law school, it is our obligation to educate ourselves and our community about the promises made in our nation’s founding documents that have been broken repeatedly, by individuals, by private organizations, and in perhaps the greatest betrayal of all, by state and federal actors. We must empower you, as students, with the tools and strategies to dismantle the structures and obstacles to achieving justice, equity and inclusion. We must teach you to use the rule of law to enforce the promises that have been broken time and again since the founding of this nation.

All of this is made more difficult by the pandemic that is still ravaging the nation and affecting racial minorities and marginalized communities much more than others. The fact that it makes us unable to meet and talk face-to-face is unfortunate. But it will not stop us from creating change.

There are many actions we can take, on our own, and in partnership with others, to enable us to take on this task. I turn to the suggestions offered by you, our students, as well as an allied organization, the Society of American Law Teachers, for concrete ways in which we can meet these educational obligations. The work of the law school will be ongoing and will continue well past my remaining term as Dean. However, I know that Dean Scott is committed to pursuing this once she assumes the position as dean. With input from the faculty, students, staff, and administration the law school will develop a plan of action, not just for the short term but for as long as it takes to make the difference.

Here are some actions with which we could begin:

- Listen with open hearts and open minds. We need to hear from all members of our community, about their pain, their fear, their frustrations as well as their hopes, dreams, and thoughts about how we move forward as an educational institution.
- Continue to invite speakers to discuss the ways in which the law can be used and has been used as a tool for change. This could include charging discretion for prosecutors, free speech advocates and sentencing disparities, among many other topics.
- Provide additional implicit bias training for faculty and expand it to include all members of the California Western community.
- Encourage and support faculty to develop additional courses with explicit focus on racial injustice to help law students better understand the context of black-letter law, as well as the experiences that people from historically marginalized backgrounds face.
- Conduct voter registration training to increase democratic participation and accountability for policymakers committed to dismantling racism.
- Host podcasts, teach-ins, or lecture series on structural inequality and racism.
- Develop a system for students to anonymously report microaggressions that occur in classrooms.
- Provide cultural competency training and training on identifying and eliminating microaggressions for all members of the California Western community.
- Create reading groups, writing opportunities and film screenings for students, to consider experiences of people from historically marginalized backgrounds; these could also be expanded to include the role of lawyers in these experiences.
- Rethink our hiring processes to lead to greater success in achieving racial diversity among faculty and staff.

This list is illustrative, not exhaustive. I know that several other community members are also creating lists of possible actions, and I expect there to be many other actions that will be suggested. This message by no means forecloses other actions; it is merely one list of several that we will create to accomplish real change. You will be hearing more from the Diversity Committee, the faculty, our students, the administration, and others as we start planning and implementing our response beyond the next few days.

To continue the work we started last Friday with the vigil, the film “Brian Banks” (about an African-American man’s journey through the criminal justice system and the help he received from CWSL’s California Innocence Project) is streaming free of charge on iTunes through the month of June. It is available here: <https://itunes.apple.com/us/movie/brian->

[banks/id1474628632](https://www.youtube.com/watch?v=banks/id1474628632). If you haven't seen it, it is worth watching. And this Wednesday, June 10, the CWSL Faculty Diversity Committee, the Office of Student and Diversity Services and the California Innocence Project are jointly sponsoring an online discussion of the film and issues surrounding race and the criminal justice system. The discussion will be co-hosted by Innocence Project director Prof. Justin Brooks and Geneviève Jones-Wright, a prominent African-American lawyer and an LL.M. graduate of California Western.

In conclusion, I thank our students for their courageous action and I welcome the help they have offered, as well as that offered by other campus stakeholders, including the faculty. I look forward to meeting with them.

Sincerely,

Niels Schaumann
President and Dean