



DREXEL UNIVERSITY

Thomas R. Kline

School of Law

Dear Kline Law Students:

We are living through an incredibly difficult moment. People are quarantined due to a global pandemic. We have witnessed the murder of George Floyd and Ahmaud Arbery. There is a leadership void. Every moment is fraught.

But we must acknowledge that much of the stress and pain of this moment is a daily reality for too many Americans. We cannot look away from the fact that our own government is policing African Americans to death. We cannot deny that the daily lived experience of moving through the world as an African American person is uniquely challenging. That is not to deny the challenges others face; it is simply to acknowledge that the color of one's skin multiplies every difficulty, and injects danger into even the most anodyne life moments.

And we cannot look away from the fact that large portions of American society argue that African Americans are entitled to no recourse at all – whether peacefully, by taking a knee at a football game, or otherwise. Many people even reject activism at the ballot box. For example, in city after city, citizens elect district attorneys who make fighting racism in the legal system and in law enforcement a central priority. And in each city, many who would identify as progressive community leaders work to dismantle this activism-by-the-majority. Anti-racism always seems to take a back seat. It is always a problem to be addressed at some other time or in some other place.

We have arrived at this moment because America would prefer to ignore our painful shared reality, a truth that is squarely rooted in the American sin of slavery. Africans were brought to this continent against their will. More than four hundred years later, there remains broad support for some version of continued subjugation. Few people will acknowledge this directly, but our actions as a society speak louder than our words.

In my role as dean, I know that I am expected to maintain a neutral pose. But the fight for justice is inherently political. In my role as a lawyer/citizen/human, I see this veneer of neutrality as a form of support for the oppression of African Americans. My work in criminal defense and special education advocacy was putatively race-neutral, but I would have had to willfully close my eyes to miss that my clients were disproportionately people of color – and that the various

states in which I worked deprived the rights of these people of color with machine-like consistency. I am unable to be neutral.

This is a moment of profound emotional pain, but it is also a deeply political one. I am more than willing to state that Black Lives Matter. But even for those most comfortable with the credo that *all lives matter*, it is time to act like it.

The ABA Model Rules of Professional Conduct, as well as the Pennsylvania Rules of Professional conduct, state that “a lawyer, as a member of the legal profession, is...a public citizen having special responsibility for the quality of justice.” We are called to join with colleagues, classmates, and the broader community to embrace this special responsibility, continuing the slow but essential work of dismantling the powerful remains of America’s original sin.

On [Wednesday at noon](#), I will talk about our criminal justice process, focusing particularly on the role of discretion. My goal is only partly informational. I hope this talk will provide us a way into a deeper discussion of race in at least this one domain. There are so many roads to justice. Perhaps Wednesday we can come together to take one small step towards understanding, a preface to what I profoundly hope will be thousands more steps over the course of each of your careers.

Sincerely,

Dan

Daniel M. Filler
Dean and Professor of Law
Drexel University
Thomas R. Kline School of Law