

HARVARD LAW SCHOOL

June 24, 2020

Dear Members of the Harvard Law School Community,

Let me begin by saying that I am acutely aware that my words could never capture the pain, fear, anger, exhaustion, and sense of loss that is felt – most especially by Black members of our community and our nation – over the repeated killings of Black individuals in this country and the disproportionate impact COVID-19 has had on communities of color. The tragic injustices our nation has witnessed this spring, and the countless others that have come before, have again made urgent, for our nation and our community, the necessity of identifying, addressing, and remedying the racism, inequality, and abuse of state power that have haunted this nation for so long.

Too often a moment of urgency such as this passes without change. That should not, and cannot, happen now. And so members of this community must take our place, and play our part, in bringing about that change – when the path is clear and direct, and when it is not. This is our work, as human beings, as lawyers, and as a law school community – and it is what the principles of equal justice and the rule of law fundamental to our shared profession demand.

We are fortunate to be part of an extraordinary institution that helps enable us to see, to understand, and to dedicate ourselves to the most pressing issues that law and lawyers must address. I am grateful to the students, staff, and faculty who, through our clinics and student practice organizations, do important work serving underserved communities – representing vulnerable and marginalized individuals who face fines or imprisonment, loss of benefits or shelter, discrimination in employment or health care or lending, obstacles to effective public education, food insecurity, and much more. Equally important is the work our clinics and student practice organizations undertake through impact litigation to address systemic injustices that have repeatedly ruined or taken lives. This work collectively will help chart a path forward for urgently needed criminal justice reforms and for equal justice in the settings and systems critical to living safe and full lives.

I am also grateful to our faculty and our research programs for the important work they do, year in and year out, on some of the most intractable problems of race, criminal justice, and equal justice. In recent years, faculty in their research and writing have brought to light, among other things, the structural inequities that flow from prosecutorial discretion over charging decisions, the harmful impact of the bail system on vulnerable populations, unfair and deceptive police tactics, disparities in sentencing, the corrosive and inequitable effects of proliferating criminal fines, the troubling impact of new technologies on policing and criminal adjudication, the historical and institutional dynamics of civil rights reform, and larger questions of race and justice. Our law school has supported, and must always support, research that demonstrates how law, legal processes, and institutional design can set a better path forward.

We are also undertaking new efforts that will also play an important role. In the coming year, Professor Andrew Crespo will launch the Program on Mass Incarceration, which will work with his recently launched in-house clinic, the Impact Defense Initiative, to use litigation, research, and

advocacy to address our country's untenable approach to incarceration, with its deplorable disparate impact on communities of color. We will also continue our search for a professor who teaches and writes in Critical Race Theory, someone who can serve as the inaugural Charles J. Ogletree, Jr., Professor of Law when the chair becomes available next summer. And Professors Randall Kennedy, Martha Minow, and Cass Sunstein will launch the *Journal on Law & Equality*, which will give faculty and students opportunities to work on questions addressing the way law furthers or undermines the ideal of equality, focusing on topics such as the criminal justice system; the effects of machine learning; the use of algorithms; racial profiling; reparations; sexual harassment; the meaning of the equal protection clause; occupational licensing; the minimum wage; the potentially regressive effect of regulation; and the tax system and the constitutionality of the wealth tax.

Just as important, we as members of this extraordinary community must reflect on and discuss together the challenges and the work ahead. Each of us here – students, staff, and faculty – is called to help build the community we want this Law School to be. In our classroom conversations, our communal events, and our friendships, we must determine together how to dedicate our energy, our talent, our training as lawyers, and our shared work supporting the mission of Harvard Law School to help create change that is long overdue. For us to begin to build a shared framework for some of these discussions, we will introduce this year three new speaker series for students, staff, and faculty to address vital questions of racial justice:

- Professors Annette Gordon-Reed and Randall Kennedy will organize a series of talks titled “Racial Equality?,” which will examine debates over the very possibility of attaining racial equality, and varying conceptions over the course of American history of what racial equality might entail.
- Professors Andrew Crespo and Alexandra Natapoff will host a speaker series titled “Policing in America,” which will take a hard look at police practices and the possibilities for reforming the American penal system and remedying abuses of state power.
- Professors Martha Minow and Emily Broad Leib will convene a series titled “COVID-19 and the Law: Law and Policy to Address Basic Needs and Marginalized Populations,” which will focus on, among other things, the enormous disparate impacts of the pandemic.

Each of these series will give us multiple opportunities to engage, share, and test ideas; to discover and develop solutions; and to build friendship, support, and common purpose. I look forward to working with our students, staff, and faculty to identify and develop even more opportunities, in the coming year and beyond, to explore and address issues of racism, inequality, and abuse of power.

We will also continue the work of always making our own community better, deeper, and stronger. No law school can do the crucial work it must do, including training great lawyers and leaders, without a truly diverse group of individuals – people who bring to our community very different lived experiences, backgrounds, and perspectives. We will continue to advance the vital goal of diversity in faculty and staff hiring, in our student body, and in every aspect of what we do. We will also continue our work to foster the sense among *all* members of our community that this is their Harvard Law School. We must always strive to create new ways for our students to build meaningful connections with one another and faculty and staff; for all members of our community, students, staff, and faculty, to listen, to hear, and to learn from one another; for all to have opportunities to thrive and grow and to lead lives of meaning and impact. I look forward to working with our students, staff, and faculty to find new ways to make our community more diverse, more connected, and even stronger.

It has been a challenging, difficult, painful year. And the appalling, hateful, racist email from an unknown sender who targeted our community and others this past weekend serves as yet another reminder of the persistence of racism in our society and the urgency of the work we must all do to address it. In the year ahead, we will rededicate ourselves to this important work. We will also have the opportunity to come together, as a community, to talk and listen; to care for and better understand one another; to find meaning and purpose in ideas we share and the service we perform for others; to embrace the work we can do as lawyers and as an institution dedicated to training great lawyers; to learn from one another, as colleagues and friends; and to work together always toward the ideals of equal justice and the rule of law.

Best regards,

John Manning