



Dear Western State Community:

I write to you not as your Dean, but as a human being in pain. These past few weeks have challenged all of us. While we continue to be quarantined due to the global pandemic, we also witnessed the murder of George Floyd and learned more details about the murder of Ahmaud Arbery. We are now witnessing a nation in upheaval as the African American community, joined by many friends, rises up to say “Enough. The slaughter of innocent black men and women must stop.”

Many in the news media persist in confusing peaceful protesters with looters and rioters, in spite of numerous stories of protestors trying to stop the damage to and destruction of property by rioters. To be clear, I think the protestors have every right to be angry. But the conflation of protestors and rioters creates even more frustration, clouding the efforts by the protestors to honor the lives of those who died at the hands of people who apparently attach no value to black lives.

I know it is a common response to the statement “Black Lives Matter,” to ask shouldn’t “All Lives Matter.” Of course we want all lives to matter. But the point of the “Black Lives Matter” movement is that until Black Lives Matter, we cannot accurately say that All Lives Matter.

When I was a young child, Emmett Till, a young African American male born and raised in Chicago, was brutally murdered while visiting family in Mississippi in the summer of 1955, because he allegedly made physical and verbal advances to a twenty-one year old white woman (though many years later she acknowledged fabricating key parts of her story). Emmett Till was fifteen years old. Emmett Till’s mother, back in Chicago, insisted on an open casket funeral because she wanted the world to see how her son had been massacred. Back in Mississippi, his killers were acquitted of all charges related to Till’s death. More than 90 years after the Emancipation Proclamation freed slaves, Emmett Till’s death and the acquittal of his killers made clear how little had changed after the Civil War, how deeply rooted is America’s original sin of slavery. And many believe that this murder was a catalyst to the next major phase of the Civil Rights movement in the deep South, the Montgomery bus boycott, which started in December 1955.

I mention this because Emmett Till’s murder was viewed by some as a measuring stick to remind

us of how much progress we've made since that awful time. But when I see a police officer pressing his knee into George Floyd's neck for nearly nine minutes, while we literally watched him die, I have to ask how much progress we have really made. When I see three white men in two pickup trucks in south Georgia chasing after a black man out jogging as if he was the prize in a fox hunt, I have to ask how much progress we have really made. When one of those men, the one in the trailing truck, posts a video he took of the chase and the kill, thinking it would help justify their actions, I have to ask how much progress we have really made.

Yet, for many of us, these shocking events are not a part of our daily lives. So they are jarring, but they do not threaten our existence. And after the initial shock, they fade into the background. But it is important for us to understand that not all Americans feel safe most of the time. I was struck by a recent Facebook post by a tall athletic looking African American male with two young daughters and a small dog, who lives in a nice neighborhood. He explained that in his daily walks through the neighborhood he always takes at least one daughter and his dog because he feels safer that way. He is less likely to be accosted by someone demanding to know what he is doing and why he is there.

There is something broken in our society and we need to fix it. I know we don't all agree on the details of what is broken. Nor do we all agree on the details of how to fix it. But I think we can all agree that what happened to George Floyd, what happened to Ahmaud Abrey, were crimes against humanity. The fact that there are so many police officers and police chiefs around the country who are speaking out about the atrocity of the George Floyd murder makes it more clear than ever before that there is common ground. That is a starting point. But we cannot let it fade away, even in the midst of our still present pandemic.

As we begin at this starting point, we all must remember as lawyers, and soon to be lawyers, that we are trained to listen, and learn, and withhold judgment until we've had a chance to listen and learn. That is not an easy task when the issues are so fraught. It is good to remind ourselves that under both the ABA Model Rules of Professional Conduct and the California Rules of Professional Conduct, a lawyer is "a public citizen having special responsibility for the quality of justice." So it is our special calling, as lawyers, to do the hard work of dismantling, piece by piece, the remnants of America's original sin.

When we return to campus in August, whether virtually or in person, I hope we can begin conversations about what concrete steps we can take, as lawyers, to build a better world for ourselves and our children.

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