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Public Antiracism Statement by the Faculty of the Southern Illinois University School of Law

There is a long list of Black men, women, and even children who have died during police or vigilante encounters. George Floyd, Breonna Taylor, Ahmaud Arbery, Maurice Gordon, Rayshard Brooks, Charleena Lyles, Philando Castile, Tanisha Anderson, Laquan McDonald, Freddy Gray, Eric Harris, Walter Scott, William Chapman, Samuel DuBose, Mike Brown Jr., Tamir Rice, Eric Garner, and Trayvon Martin to name a few from relatively recent history. Our awareness of those deaths is largely a function of greater attention and technology, with events captured now on dashboard cameras, body cameras, cell phones, and even doorbell video cameras that would otherwise have typically gone undocumented. Even with documentation, these events too often are swept under the rug or forgotten by many. We know that photographs exist of crowds at public lynchings in the 20th century, for instance, and that there were contemporaneous newspaper accounts about them and other acts of violence against African Americans, such as the destruction of the “Black Wall Street” of Tulsa, Oklahoma by a white mob.

To that history we add continuing violence against Asian Americans, from government-orchestrated imprisonment of Japanese Americans approved by the U.S. Supreme Court, all the way to hate-filled violence against individuals today. Immigrants and refugees, particularly those of color, have faced dehumanizing conditions at our borders, and exploitation by employers. And since race is a social construct, we acknowledge that our national history includes selective definition of a range of ethnic groups as “other.”

A common thread underlying hate, violence, and racism more generally, is the fiction that some groups of people are somehow less human, less worthy, and less deserving of empathy, compassion, and opportunity. Rooted in fear of the unfamiliar, our imperfect nation can at times subscribe to the false notion that those who are different present a threat. We categorically reject this notion and call on each other as a faculty and on our students to confront these truths.

It is right, proper, and necessary that we address this as law school faculty because of the role the legal system has played in supporting white supremacy, and the role we hope our students will play in changing that in the future. Those past practices include fugitive slave laws, the provision in the 13th Amendment allowing slavery and indentured servitude as punishment for a crime, creation and enforcement of “black codes” and Jim Crow laws, sundown town ordinances, restrictive covenants, redlining practices in government housing programs, banking, and property insurance, and poll taxes and other voter suppression measures to name a few.

The role of law and lawyers in creating and maintaining systemic inequality cannot be written off as a vestige of the past. It continues, by conscious intent or otherwise, in the exercise of prosecutorial discretion, the cash bail system, qualified immunity, voting laws and redistricting, and elements in many other areas of the law, including tax codes, contract law and practices, and inequalities in tort and property law among others. A consequence of these practices is the manifestation of conditions which serve to verify and confirm the biases and stereotypes of old. A never-ending cycle that we in the legal profession are uniquely positioned and trained to help reverse. This is our aim.

We have spoken about these matters amongst ourselves as a faculty, have provided diversity training through programs on implicit bias and the like, and have adopted policies to encourage each other to consider ways to broadly address diversity and inclusion in our classrooms and to share strategies for doing so. However, we have not previously issued a public statement like this. We speak now in part to

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apologize to past and present members of the SIU Law School community who have been disappointed by that public silence.

We are speaking out now, and think it is especially important that we do so given the events of the past year and deep divisions in our society. We want every person who comes to study or work at SIU Law to feel welcome and prosper here. At the same time, the only way to bridge those divisions is by addressing them, which may well lead to difficult conversations that may be challenging for some. We will insist on respecting the equal humanity of each person in the process, and we will persist.

We are a part of a larger university with its own history of struggle and success. At one time our residence halls were not open to Black students, and our movie theater had seating separated by race. But our history also includes having three Black students within the first decade of the founding of the school in 1869. And three other SIU students were part of the Little Rock Nine.

Yet, even as we recognize the shortcomings of our school and the country, there is reason to hope. The promise of our nation was born in a document written centuries ago, asserting equality as a self-evident truth. Though we have yet to fully satisfy this ideal, through stops and starts, generations of Americans have marched, protested, and challenged the status quo to push us forward. Martin Luther King Jr. said, "The arc of the moral universe is long, but it bends towards justice." To our law school community, we should all seek to find our inner freedom fighter and get in some "good trouble." We cannot wait, take a pass, or rely on others to do the work we must do. Along with our university we share a commitment to educating all students, learning to use the law as a tool for progress, and ending racism.