



A CALL TO ACTION

June 8, 2020

The murders of Ahmaud Arbery, Breonna Taylor, and George Floyd have once again highlighted how desperately this country fails at respecting the basic human dignity of Black people. These past few months have been particularly devastating for the Black community and communities of color at large. In this moment, Black people are fighting two pandemics: health inequities arising from COVID-19 and pervasive manifestations of systemic racism. Every system and institutional force in America -- public health, education, economics, and businesses -- is designed to oppress, exploit, and make Black people feel inferior. As we grieve and protest for yet another Black body unnecessarily brutalized by [law enforcement, whose original purpose was to patrol Black slaves and prevent uprising among Black communities](#), we are also expected to take on the responsibility of [teaching](#) non-Black people about anti-Blackness, systemic racism, and racialized violence.

The time for performative activism, self-designated allyship, and recycled statements of solidarity is over. **You cannot and do not support the Movement for Black Lives if your everyday actions uphold the status quo.** We need to take real action, as we cannot fight this strenuous, uphill battle against systemic racism alone. We need the unwavering and active support of our classmates, professors, deans, and other administrators, especially at a time when violence is perpetrated against Black and brown people with particular maliciousness.

It means checking in on your Black friends and Black people who are immediately in your lives before releasing public statements in solidarity with Black students or organizations. “How are you?” and “What can I do?” are insufficient. “What are you doing to take care of your well-being while staying engaged?” and “What are institutions doing (or not doing) to uplift you?” are better questions to ask.

It means donating to Black organizations listed below and signing petitions that hold institutions and perpetrators of this violence accountable under the law.

It means discussing rather than telling your Black friends how you think you can be a good ally. Allyship is not a statement. It is a lifelong process -- not a snapshot moment in history. It is building systems of accountability and introspection that center Black people and other people of color in your everyday life.

It means not theorizing about the Black experience in the United States when Black people are not in rooms with you. We encourage our law school community to embark on a journey of discovery by reflecting on knowledge already shared by [Black activists](#). [Read](#) about us. [Watch](#) our stories. [Listen](#) to us. Our presence is not



a teaching moment for academic institutions, and no amount of in-classroom legal training is enough to prepare the legal profession to address the needs of Black people. We do not have the privilege to go home and not contemplate race after in-class discussions. Race is a fundamental part of how we move through the world. Learning about Black history, culture, and contributions to the legal profession and society require greater effort than studying for an exam or preparing for a cold call. We are cold-called about our Blackness every day of our lives whether we want to be or not. [Not much has changed in over three decades with regard to the pervasive experiences of Black students enrolled in law schools within the United States.](#) Do your part to change that.

It means unlearning oppressive behaviors and changing our individual, interpersonal, and communal behaviors. Unlearning oppressive behaviors requires acknowledgement that [niceness](#) does not absolve anyone of their role in social institutions that promulgate racism and anti-Blackness. Changing our behaviors requires the understanding that our actions in support of the Movement for Black Lives center on varied lived experiences based on skin color.

We want our law school community to reflect and respond to racism. We urge the administration to diminish the role that our law school has previously played in upholding institutionalized racism. Santa Clara Law can actively support the movement to end institutionalized racism as it materializes on our campus. The actions listed below are just a few ways in which we are calling on our law school to better support us:

- **Transform our admissions and financial aid programs to increase the number of Black students who come to the law school.**
 - Admit and increase [matriculation](#) of Black JD and LLM students to represent more than [two percent of our law school community](#);
 - Increase scholarship funds for Black law students to decrease [long-term risk of attrition](#);
 - Actively encourage prospective and admitted Black law students to apply for and participate in summer preparedness programs that traditionally support legal careers for Black students in law firms such as the [SEO Law Fellowship Program](#);
 - Recruit Black students from [historically Black colleges and universities \(HBCUs\)](#) and undergraduate institutions with Black Pre-Law Society chapters in collaboration with the National Black Law Student Association; and
 - Establish and/or restructure [scholarship programs](#) such as the [Thurgood Marshall Scholarship](#) to exclusively support Black students.



- **Fortify our school's academic offerings.**
 - [Hire more Black, tenure-track faculty](#) to teach Bar and certificate program courses.
 - Reinstating summer programming formerly offered by the law school for students of color to support acclimation and preparedness for our law school's curriculum;
 - Revise academic syllabi and curricula in Bar courses to include opinions related to doctrinal concepts written by Black justices, appellate cases argued by Black attorneys, cases centering the legal needs of Black clients, and books written by Black attorneys;
 - Continue to offer courses such as Race and the Law that interrogate racism's implications into the legal system, but do not solely rely on elective courses to facilitate the law school's interrogation and combating of anti-Blackness; and
 - Provide more resources to our faculty to effectively facilitate discussions regarding race prior to asking them to address racism in a classroom setting.
 - Reinstate/restore funding to the [Center for Social Justice and Public Service](#) to provide an outlet for students interested in attaining the legal skills essential to effective representation of marginalized and underrepresented people.
 - Establish a formal partnership between the High Tech Law Institute and the [Institute for IP and Social Justice](#).

- **Strengthen and expand support services to account for the unique challenges that Black students face in law schools in accordance with ABA and State Bar recommendations.**
 - Hire Black attorneys and staff members to provide career advice for Black students and other students of color in OCM;
 - [Designate an OCM advisor specifically to Black students to advise on the unique workplace challenges that Black lawyers face as recognized by the ABA and the State Bar of California](#);
 - Advocate for hiring of mental health professionals through Counseling and Psychological Services (CAPS) who are specifically trained in providing [counseling services](#) for Black students and other students of color in law school that center on combating anti-Blackness and distinct manifestation of racism at predominantly White institutions; and
 - Establish a formalized reporting and disciplinary process to file reports regarding both implicit and overt racism.

- **Center Blackness in clinical and co-curricular offerings.**
 - Expand the law school community's collective engagement in the [Black Lives Matter movement](#) beyond challenging state-sanctioned violence through programming on topics such as:



- [“Ban the box” legislation;](#)
 - [Online content moderation rules that ban, suppress, or restrict content posted by Black activists meant to expand access to community-based resources and education;](#)
 - [Selective enforcement;](#)
 - [Recidivism reduction programs;](#)
 - [Disproportionate disciplinary hearings by state bar associations that involve Black attorneys;](#)
 - [Eliminating use of AI technologies used by law enforcement agencies to racially profile Black communities;](#)
 - [Voter suppression;](#)
 - [Historic colorblindness faced by Black people in filing for IP protection;](#)
 - [Hair-based discrimination in the workplace;](#)
 - Continue supporting NCIP’s efforts to overturn [wrongful convictions](#) of Black people; and
 - Further encourage [Black-owned businesses](#) to sign up for ELC and ELAC advising.
- **Financially and structurally invest in student-run programs that promote the success of Black students and other students of color.**
 - Allow affinity groups to set calendar dates for cultural traditions and celebrations such as Black History Month prior to Super Draft to prioritize diversity, equity, and inclusion (DEI) programming at our law school;
 - Give top priority to DEI programs during the [SBA budget appropriations period](#);
 - Expand the leadership capacity of the SBA Board of Governors and the Council of Leaders by instituting [training](#) sessions on [adaptive leadership](#), [allyship](#), [effective communication](#), [collaboration](#), and [inquisitive leadership](#);
 - Work with the Office of Diversity & Inclusion to establish a permanent grant program for LSOs hosting programming related to the Black Lives Matter movement.
- **Tap into your networking skills, employment opportunities, and community service engagement to support Black communities alongside your personal growth/development.**
 - [Make charitable gifts/donations to Black-owned businesses and community based organizations](#). As an example, BLSA members contributed to the [Official Breonna Taylor GoFundMe](#) on Friday through a donation match program and individual donations.
 - Strategically make charitable gifts/donations to [organizations](#) that are [specifically endorsed](#) by Black activists --- especially if made by Santa Clara Law to Black community-based organizations or organizing groups.



- Continue protesting, start protesting, or become legal observers for protestors if you have the ability to do so.
- If you cannot protest, support [those who are able to protest, call upon community leaders to better protect our communities, and dispel misinformation about the Movement for Black Lives.](#)
- Sign petitions related to combating systemic racism and anti-Blackness, such as:
 - [Eliminating qualified immunity;](#)
 - [Eliminating or severely limiting use of no-knock warrants in all U.S. jurisdictions;](#)
 - [Discontinuing physical modes of restraint that pose substantial risk of bodily harm or death, such as carotid and tracheal holds;](#)
 - [State legislatures' failure to pass hate crime statutes;](#) and
 - [Ending contractual agreements between institutions of higher education and law enforcement.](#)

By now, we are sure that each member of the SCU Law community understands that any vague expression of solidarity with the Black community is ineffective. Instead, we are asking you to show genuine support to your Black law student peers and colleagues, that add so much value to this school, by explicitly saying that our lives matter and by helping to implement the tangible actions we have listed above.

Racially oppressive systems cannot be dismantled overnight, and use of existing tools in our community cannot be used in that effort. We can achieve a greater sense of unity. We thank you in advance for the meaningful allyship we know the SCU Law community will practice, and we look forward to putting in the work together to create a more welcoming environment for future Black law students. It is our expectation that you all join us in declaring our message that **#BlackLivesMatter** and in our fight to make our community and profession more accessible to Black people.

Sincerely,

Black Law Student Association 2020-21 Executive Board