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“CUNY School of Law is the premier public interest law school in the country. It trains lawyers to serve the underprivileged and disempowered and to make a difference in their communities.”¹

Each fall semester, Liberty, Equality, and Due Process presents incoming 1L students with their first taste of the innovative and progressive legal education program that is the CUNY School of Law. For many of us, LEDP is our first in-depth doctrinal learning experience, and we read cases of great consequence and controversy. We are aware that many other law schools do not even include such cases as *Scott v. Sanford* in their 1L programs. However, it has become apparent that mere inclusion is not enough. One of the primary tools of white supremacy is the normalization of violence against black and brown communities achieved through the silencing of realities and lived experiences. We feel that LEDP and the school administration are participating in this silencing.

The LEDP course syllabus states that, “like all courses in the CUNY curriculum, the course objectives are multi-leveled and include...the appreciation of the role of personal values and experiences on lawyering choices,” and that upon successful completion of the course, we will be able to develop “social justice perspectives on constitutional rights.” Yet in the course itself, we have been denied even the most basic acknowledgment of racism in some of the most racially charged cases in our nation’s history. For instance, while examining *Plessy v. Ferguson*, the professor neither explicitly denounced nor even acknowledged the racism in the decision, nor allowed students to raise the issue themselves.

There is an argument that because *Plessy* is universally viewed as bad law and has been all but overruled, it is safe to assume that students will understand the underlying racism in the decision. However, the further and more advanced concealment of white supremacy in post-*Plessy* Court decisions gives no certainty that students will uncover the truth on their own. As the racism in the opinions becomes more insidious, the professor’s critical engagement must become more pointed. We acknowledge the necessity of the lecture format in a class of more than one hundred students, and understand we must learn fundamental legal doctrine. However, this does not preclude the school from ensuring that the professor presents such content with a critical and professional analysis of the written AND unwritten racism, sexism, and any other means of oppression present in the casebook. If all courses in CUNY’s curriculum were to exclude the necessary acknowledgement of racism as LEDP does, then the school’s position as the “premier public interest law school in the country” would be brought seriously into question.

¹ <http://www.law.cuny.edu/about.html>

As we see it, and as CUNY has led us to believe, learning the law in the “traditional” fashion is insufficient for the creation of public interest lawyers. Instead, the proffered alternative is to wed doctrinal learning with practicable skills, and to alter “the conventional hierarchical structure and atmosphere of most legal education.”² What we want, and what CUNY promises to provide, are the legal tools that are essential for upholding these values. Without simple identification of the racism woven into Equal Protection doctrine, for example, we cannot hope to achieve this.

The current structure of the 1L program has created a classification of students: those who are constantly and directly impacted by the material, and those who are not. The latter class can comfortably engage with the material, but the former - a class which includes many of the undersigned - struggles to do so. In light of the historical silencing of and violence against oppressed groups, to ignore and refuse to address this disparity is to perpetuate the ongoing trauma that materially affects academic achievement for people of color.³ Such a deficiency is completely antithetical to CUNY’s mission.

The need for acknowledgment and analysis extends beyond our personal grievances as members of marginalized groups. As a student community, there is a pressing concern about the levels of critical engagement between our colleagues and racism in the course content. In an attempt to address these concerns, through both private conversations and larger organized meetings, it has become clear that absent the professor’s explicit verbalization of racism in and around the decisions, many students do not realize that it is there. Furthermore, they do not realize how impactful such decisions are. How can CUNY purport to train exceptional public interest lawyers when it fails to make its students aware of the real and full impact of legally-sanctioned racism on marginalized groups? We need this level of transparency in our practical doctrinal education, but even more importantly, we need it to fight for social justice, and to build trust between students and the administration.

The consistent lack of an adequate response from both faculty and administration to substantial, valid, and recurring complaints made by a range of students has necessitated the drafting of this letter. It is the result of a collaborative effort between a large body of full- and part-time CUNY students. If CUNY School of Law is to continue to present itself as the leading public interest law school in the nation, it will have to go beyond mere inclusion, actively confront white supremacy in the law, and address the needs of all students.

Our demands are essential to rebuilding the broken trust between the students, faculty and administration. They are as follows:

² <http://www.law.cuny.edu/about/philosophy.html>

³ <http://psycnet.apa.org/record/2016-41532-001>

Remedy LEDP

- Issue a public acknowledgement during LEDP that the content deserves more critical engagement that explicitly names white supremacy, structural racism, and all mechanisms used to oppress marginalized people.
- Critically review and redesign the LEDP curriculum.
- Through said redesign of LEDP curriculum, teach students that structural violence and inequality have been perpetuated by Supreme Court decisions using Equal Protection doctrine (e.g. “strict scrutiny,”) which has been historically harmful and has destroyed programs that address racial disparities.
- Remove “rise and fall of white supremacy”⁴ from the online course description - white supremacy has not fallen.

Transparency, and Creation of a Social Justice Oriented Law School

- Define public interest, racism, sexism, homophobia, transphobia, Islamophobia, intersectionality, and inequality on the CUNY School of Law website, and use these definitions in all promotional material.
- Provide administrative and financial support to develop curriculum, as well as any pedagogy, trainings, and workshops necessary to challenge the inherent racism in the law.
- Create a uniform and student-accessible system to track complaints, including individual conversations with administration and faculty regarding institutional issues.

Students will be core collaborators regarding any changes implemented to remedy the mentioned issues. CUNY Law will fulfill its role as a collaborative partner with students by providing administrative and financial support to develop curriculum, pedagogy, trainings, and workshops to address and challenge the inherent racism that exists in the law.

We are hopeful that CUNY Law will commit to making substantial changes to better achieve our shared goal of having a legal education that is truly “in the service of human needs.”

Signed,

A Coalition of Concerned Students at CUNY Law, joined by:

CUNY 1L Student Government Representatives
CUNY Black Law Students Association
CUNY Latin American Law Students Association
CUNY Muslim Law Students Association
CUNY Labor Coalition
CUNY National Lawyers Guild
CUNY Racial and Social Justice Orientation

⁴ <http://www.law.cuny.edu/academics/courses/first-year.html>