



Diversity and Inclusion PRMCLE Program Webinar July 20, 2020

12:00 PM – 1:00 PM

Welcome/Announcements and Introduction

Deborah Carder, Diversity Committee Chair

Program – On the Matter of Lives: Revisiting Diversity, Equity, and Inclusion in the Legal Profession and Society

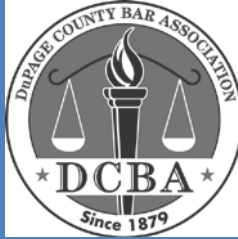
Speaker

Dr. Joseph Flynn, Associate Director for Academic Affairs for the Center for Black Studies and an associate professor of Curriculum and Instruction at Northern Illinois University

Speaker's Bio – see attached

Presentation Summary

You may remember Dr. Flynn from last year's Town Hall conversation on Diversity and its Impact on the Legal Profession. In this program, Dr. Flynn will revisit key ideas about diversity, equity, and inclusion in relation to both the legal profession and society in general. In the wake of nationwide and global protests about systemic and institutional racism, there are a number of questions about how members of society can work toward anti-racist goals. Recognizing the ways in which inequity persists in our institutions – including law enforcement and criminal justice – is a fundamental move for creating institutions for equity. This presentation will provide a quick summary of the ways in which inequity has appeared in our nation and will provide considerable time for question and answers about the issues.

**Link to Evaluation**

The evaluation must be completed in order to receive CLE credit.

<https://www.surveymonkey.com/r/Diversity072020>

Next Meeting:

July 29, 2020 - Mastermind Class: How to Have the Hard Conversation During COVID-19 and Beyond, Dr. Chris Mazzarella, Heritage Professional Associates, LTD

DCBA Events:

July 22, 2020 - Lawyers Lending a Hand - [Ray Graham Association Hanson Center, Burr Ridge](#)

COVID Relief Fund

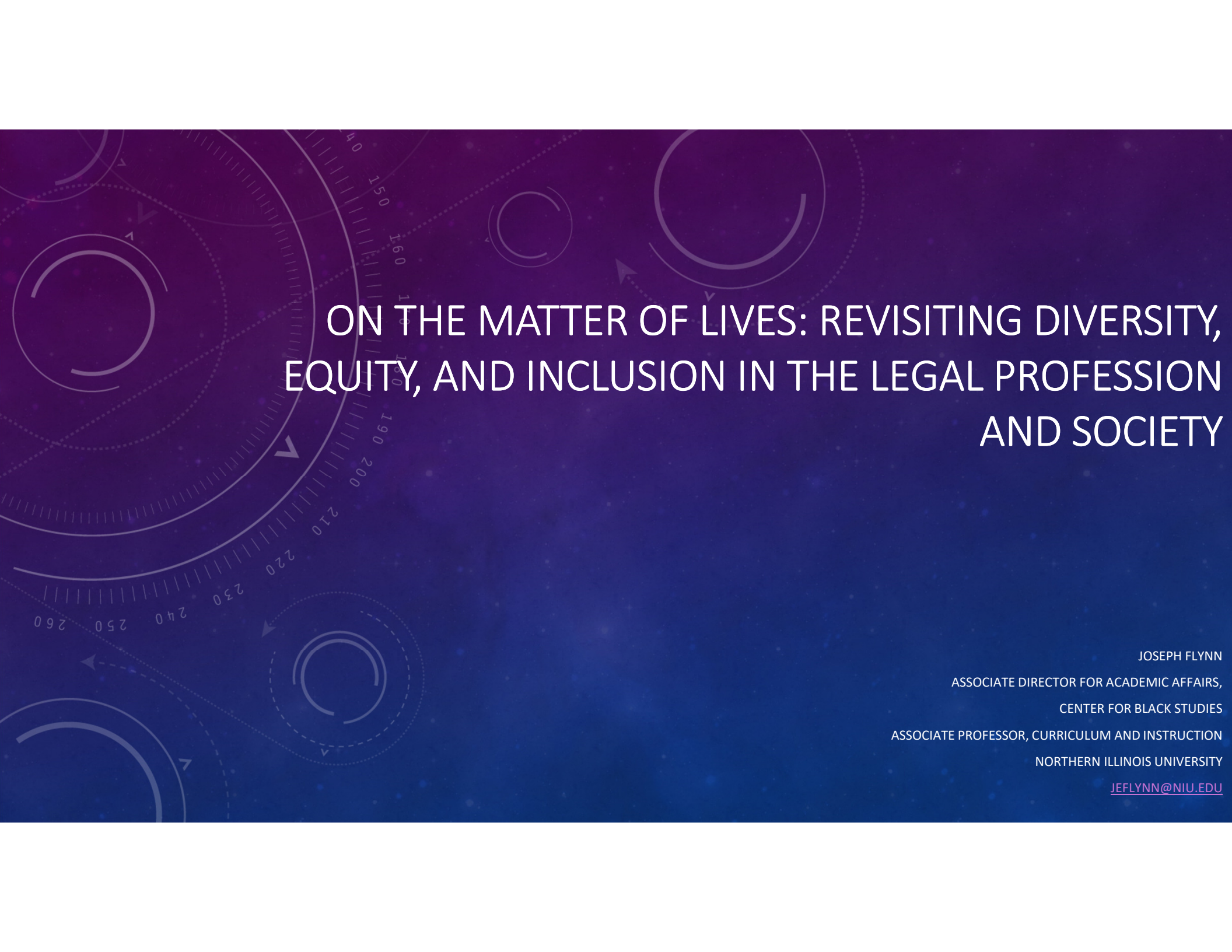
The DCBA and the DuPage Bar Foundation have established an assistance fund for lawyers facing personal hardship due to the downturn in work caused by the COVID-19 pandemic. Please help us promote the availability of this fund, and, if you are in need, please submit a confidential application at www.dcba.org/reliefapply. Donations to the fund are also welcome at www.dcba.org/reliefdonate."

Earn CLE Online!

DCBA OnDemand CLE is Now Powered by IICLE The Illinois Institute for Continuing Legal Education (IICLE®) and the DuPage County Bar Association (DCBA) are excited to offer a new IICLE®Share collaboration to provide DCBA members a high quality and reliable online learning experience. Members can find the link to The Illinois Institute for Continuing Legal Education (IICLE) on the DCBA website under "Legal Community" → OnDemand CLE → Online CLE Catalog. You must be logged into your DCBA Membership Profile in order to view courses for free or at a reduced price.

View & Print CLE Certificates through the DCBA Website:

Manage Profile -> Professional Development (under content & features) and choose the icon to the left of each meeting to print your certificate directly or choose to have them emailed to you to save to your computer (you MUST be logged in to view this feature)

The background is a dark blue gradient with abstract white and light blue geometric patterns. On the left side, there are several concentric circles and a scale-like arc with numerical markings ranging from 140 to 260. Faint, larger-scale concentric circles are also visible in the upper right quadrant.

ON THE MATTER OF LIVES: REVISITING DIVERSITY, EQUITY, AND INCLUSION IN THE LEGAL PROFESSION AND SOCIETY

JOSEPH FLYNN
ASSOCIATE DIRECTOR FOR ACADEMIC AFFAIRS,
CENTER FOR BLACK STUDIES
ASSOCIATE PROFESSOR, CURRICULUM AND INSTRUCTION
NORTHERN ILLINOIS UNIVERSITY
JEFLYNN@NIU.EDU

WHO AM I?

Joseph (or Joe)

Associate Director of the Center for Black Studies and Associate professor of Curriculum and Instruction

Research on Race, Whiteness, Curriculum, and Popular Culture

Author of *White Fatigue: Rethinking Resistance for Social Justice*

Teaching for 26 years

Married with child

Aurora resident



AGENDA FOR TODAY'S DISCUSSION

- Historically contextualizing current events
- Understanding the relationship between the police and unarmed Black men
- Interpersonal racism becomes systemic racism becomes interpersonal racism becomes systemic racism becomes interpersonal racism...
- How whiteness became a thing and its repercussions
- Recommendations of what we can do now
- Questions and answers

HISTORICALLY CONTEXTUALIZING CURRENT EVENTS

“Society is structured in ways that make us all complicit in systems of inequality; there is no neutral ground.”

Sensoy & DiAngelo, 2017

What does this quote mean to you?

ÖZLEM SENSOY AND ROBIN DIANGELO
*ARE WE REALLY EQUAL: AN INTRODUCTION TO KEY CONCEPTS IN
SOCIAL JUSTICE EDUCATION (2017)*

- **Oppression:** A set of policies, practices, traditions, norms, definitions, and explanations (discourses), which function to systematically exploit one social group to the benefit of another social group.
 - **Dominant or Agent Group:** The group that benefits from this exploitation
 - **Minoritized or Target Group:** The group that is exploited

Prejudice and Discrimination + Power = Oppression

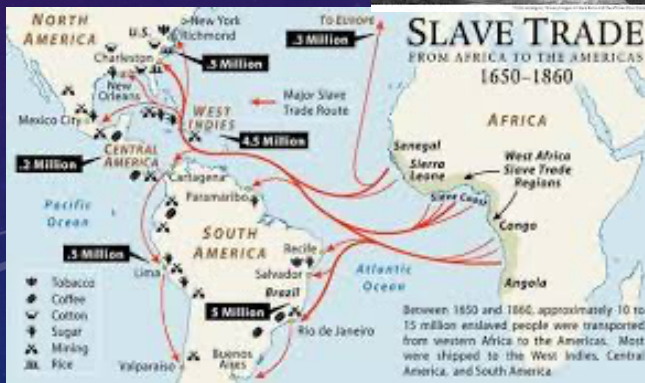
WHAT IS RACISM?

- Racism: A system of advantage based on race that is historic, institutional, ideological, and cultural.
 - Individual or Interpersonal Racism-prejudice and discrimination enacted by one onto others based on race.
 - Institutional Racism-policies and practices that advantage – directly or tacitly -- one group over others.
 - ***Systemic or Structural Racism-a collection of cross-institutional patterns, practices, and policies that advantage one race over others.***

THE RISE OF WHITE SUPREMACY: A BRIEF HISTORY



- 1492: European exploration of the Western hemisphere begins. Many voyages employ African navigators
- 1500s-1609: Africans living freely in North America, alongside Indigenous cultures and Europeans
- Middle 1500s: Transatlantic slave trade begins between western Africa and eastern South America and Caribbean
- 1619: First cargo of slaves docked and sold at Jamestown



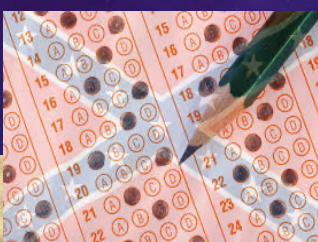
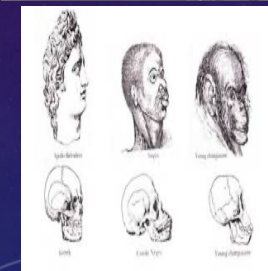
THE RISE OF WHITE SUPREMACY: A BRIEF HISTORY

- Middle 1600s-Early 1700s: “Slave Codes” passed in **all** colonies
- Middle 1660s: First anti-miscegenation laws passed
- 1676: Bacon’s Rebellion
- 1681: The category of White begins to appear in law. The first time in human history.
- 1681-1720 Virginia lawmakers passed a series of laws that set apart “British and other Whites” from non-Whites, influencing other colonies to follow suit.
- 1790: First naturalization law required Whiteness for US citizenship.

THE RISE OF WHITE SUPREMACY: A BRIEF HISTORY

- 1863: Lincoln reads the *Emancipation Proclamation*, but proclamation does not cover “border” states and some exceptions in the South, like New Orleans.
- 1865: Juneteenth in June and ratification of 13th Amendment, with a catch.
- 1877: Reconstruction ends
- 1880-1930s: The Nadir of Race Relations (This includes but not limited to...

HISTORY NOTE: THE NADIR



- Plessy v. Ferguson decision
- Jim Crow takes root
- Racist advertisements and popular culture
- Rise of the KKK
- White race riots/terrorism
- Eugenics
- Standardized Testing
- Sundown Towns (506 in Illinois alone)

THE RISE OF WHITE SUPREMACY: A BRIEF HISTORY



- **1922: Ozawa v. United States**
- **1923: Thind v. United States**
- 1933: Home Owner's Loan Corporation established, along with the practice of redlining
- Blacks servicemen forced to serve in segregated regiments
- 1950s-1968: Rise of urban housing projects and suburbs, plus restrictive covenants
- 1954: Brown v. Board of Education ends segregation, but...
- 1964/1965: Civil and Voting Rights Act passed, but...
- 1968: The Southern Strategy initiated (harkens back to Bacon's Rebellion)
- 1967-1972-: War on Drugs declared leading to mass incarceration, liquidation of Black Panthers
- 2013: Shelby County v. Holder decision

This is merely a sampling of key moments. Without doubt progress has been made, but there is a tendency to focus on the highs at the expense of the lows. It is the lows that are essential to wrestle with in order to move forward. This history is also punctuated by countless examples of interracial resistance against White supremacy, including but not limited to the history of urban uprisings (Watts 1965, Summer of 1968, LA 1992, Ferguson and Baltimore 2014, and more)...

UNDERSTANDING THE RELATIONSHIP BETWEEN THE POLICE AND UNARMED BLACK MEN/WOMEN

- Rodney King (Los Angeles, 1991)
- Malice Green (Detroit, 1992)
- Abner Louima, (NYC,1997)
- Amadou Diallo (NYC, 1999)
- Sean Bell (NYC, 2006)
- Oscar Grant (Oakland, 2009)
- Trayvon Martin (Sanford, FL, 2012)
- Eric Garner (NYC, 2014)
- Michael Brown (Ferguson, MO, 2014)
- Tamir Rice (Cleveland, OH, 2014)
- Laquan McDonald (Chicago, 2014)
- Walter Scott (Charleston, SC, 2015)
- Freddie Gray (Baltimore, 2015)
- Philando Castille (Falcon Heights, MN, 2016)
- Antwon Rode, Jr. ((Pittsburgh, 2018)
- Ahmaud Arbery (Glynn County, GA, 2020)
- Breonna Taylor (Louisville, KY, 2020)
- George Floyd (Minneapolis, 2020)

SYSTEMIC COMPLICATION: QUALIFIED IMMUNITY

- "Qualified immunity" is one of the reasons it is so hard to successfully sue police officers for abuse of power or misconduct, even in cases where they clearly acted in bad faith & unquestionably violated a person's civil rights.

Created by the U.S. Supreme Court as a loophole to federal civil rights laws, the doctrine of "qualified immunity" says police cannot be held liable for conduct done in their line of work—if they believe at the time that their action was permissible.

A person can only prevail if they can point to an earlier case with the same "specific context" and "particular conduct" where police were found liable, which is practically impossible. If there was no such similar case, qualified immunity shields officers from accountability.

QUALIFIED IMMUNITY CAUSED CIVIL RIGHTS SUITS TO BE DISMISSED.

- In 2004, a pregnant Seattle woman was pulled over by the cops and tased seven times, as they openly debated where to tase her. While the court agreed that they had violated her civil rights, qualified immunity meant the police could not be sued.
- In 2013, five Dallas cops shot & killed a Black man after firing on him 17 times as he cycled through a crime scene in the middle of a confrontation. The court agreed the man's civil rights were violated, but the cops were granted qualified immunity because it was not "beyond debate" that he was "right to be free from excessive force."
- In 2019, Fresno police confiscated \$275,000 in cash & coins on a search warrant—but claimed to only have taken \$50,000. The cops were granted qualified immunity because it was not "clearly established" they were not allowed to steal the difference.

SYSTEMIC RACISM IS THE FOCUS





ALLY:

One who helps or cooperates with another; a supporter, an associate, a friend.

HOW TO BE A BETTER ALLY?

- Allyship is fine in and of itself, depending on a few important things.
- What do you think “aggravates” allyship? In other words, what behaviors can allies show that may cause frustration for those allies are trying to support?
- Consider the following for [tips on being a good ally](#).
 - Understand your privilege
 - Listen and learn
 - Speak up, but not over
 - Realize you will make mistakes and just apologize when you do
 - Allyship is an action
- But, is allyship the ultimate role for White folks in dismantling systemic racism?



ACCOMPLICE:

A partner in some undertaking. How do you think accomplices differ from allies?



ACTIONS OF ACCOMPLICES...

- Actions of accomplices are meant to directly challenge institutionalized racism, colonization, and White supremacy by blocking or impeding racist people, policies, and structures.
- Realizing that our freedoms and liberations are *bound together*, retreat or withdrawal in the face of oppressive structures is not an option. Accomplices' actions are informed by, directed, and often coordinated with the marginalized.

ACCOMPLICES CONT...

- Actively listen with respect and understand that oppressed people are not monolithic in their tactics and beliefs.
- Accomplices are not motivated by personal guilt or shame. They are not emotionally fragile.
- Accomplices build trust through consent and accountability. This means not acting in isolation where there is no accountability.
- Do you know any accomplices (not only against racism but any form of oppression)? If you don't, why do you think not?

LEADER:

One who guides others in action or opinion; one who takes the lead in any business, enterprise, or movement.

Discuss how each of can be leaders in addressing issues of equity in schools and communities.



RECOMMENDATIONS OF WHAT WE CAN DO NOW

1. Educate yourself about the history of systemic racial oppression. (If you do not know the history how do you know what folks are responding too)?
2. Train yourself in the arts of listening and replacing judgement with curiosity.
3. Consistently reflect on your own histories, assumptions, and biases. More critically, how did you learn these ideas?
4. Make **friendships** with people across racial lines.
5. Join and/or participate in organizations dedicated to dismantling systemic oppression.

HISTORIC WHITE ANTI-RACIST ACCOMPLICES AND LEADERS

- Bob Broussard (1960s Civil Rights Activist)
- Bill Clifford (1960s Sit-in Activist)
- Jim Zwerg (1960s Freedom Rider)
- Will Campbell (Civil Rights Activist)
- Morris Dees (founder of Southern Poverty Law Center)
- Tim Wise (Anti-racist Educator)
- Jon Stewart (Social Critic)
- Jane Elliot (Anti-racist Educator)
- Rev. James Reeb (Civil Rights Activist)
- William Wilberforce (1700s-1800s Lead illegalization of slavery in UK)
- John Fee (1800s abolitionist minister)
- Helen Hunt Jackson (1800s poet/writer advocate for the Indigenous)
- Angelina and Sarah Grimke (1800s activist/abolitionist)
- Matilda Gage (1800s Indigenous and abolitionist activist)
- Lydia Child (1800s abolitionist/Indigenous advocate)
- Heather Hayer (Anti-racism activist)

QUESTIONS AND ANSWERS

THANKS FOR LISTENING...



Available through Amazon
and Barnes and Noble