

MEMO

To: Dean Holley Walker
From: Justin Hansford, Executive Director and Lisa Sonia Taylor, Managing Director,
Thurgood Marshall Civil Rights Center
Date: May 23, 2019
Re: End of Year Report on the Thurgood Marshall Civil Rights Center

Following is the end-of-year report for the Thurgood Marshall Civil Rights Center (Center). This report addresses the activities of the Center over the 2018/2019 academic year while (1) responding to the Howard University School of Law Strategic Plan (Strategic Plan); (2) highlighting the advocacy, organizing and scholarship goals of the Center's strategic plan; (3) where appropriate, outlining the challenges faced by the Center; and (4) highlighting the Center's goals for the upcoming year.

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I. Howard University School of Law Strategic Plan

The TMCRC activities are relevant to the following priorities and goals:

- a. **Priority 1, Goal #2: Enhancing the overall curriculum in the area of experiential learning**

Clinic Activities¹. The Human and Civil Rights Clinic taught 26 new students in HRC I and 9 returning students in HRC II over the 2018/2019 academic year. The clinic focused on exposing students to various forms of legal advocacy through both civil rights and human rights lenses. This year, cases included issues of police brutality, racial justice, mass incarceration, Immigration, and First Amendment rights of prisoners. Student advocacy work included:

1. Submitting testimony in support of bills that address civil and human rights issues, including solitary confinement for juveniles in prison and race reporting requirements for police officers;
2. Drafting a brief in support of prohibiting ICE from using DACA information in deportation actions;
3. Drafting IACHR petitions on behalf of the families of victims of police violence;
4. Drafting a bill on the effects of police violence on mental health;
5. Preparing a report on prison censorship that includes research on book banning practices in all 50 states and the District of Columbia;
6. Drafting op-eds on civil and human rights issues

The HCR will be recognized at the William A Branton Luncheon on June 26, for its work on the DACA case.

The HCR clinic faculty also assisted students with career planning. Several practicing attorneys were invited to clinic classes to give career preparation advice and presentations. Speakers included individuals from the ACLU, Law4BlackLives, pro bono attorneys and other public interest attorneys. In order to enhance students' exposure to international human rights law, students went on a field trip to the Inter-American Commission on Human Rights. The students met with IACHR members and learned about the Commission's mandate and scope. After the success of these meetings and field trips, the Center hopes to organize more of these engagements next year.

To enhance student's advocacy skills, the Clinic hosted several speakers including specialists on Supreme Court certiorari work. Where possible, students met with clients to present their work and give updates. These included meetings with Dr. Julius Garvey, Mireille Fanon, Lezley McSpadden, and Martinez Sutton. Wade McMullen of the RFK Center for Human Rights was a guest supervising attorney in the Center this year.

The Center also teamed up with the Clinical Law Center to host a workshop on trauma-informed lawyering. The workshop provided students with warning signs of vicarious trauma and coping strategies. The workshop also offered students guidance on how to work with clients who are exhibiting trauma.

¹ A more detailed account of the clinic cases will be reported in the 2018-2019 Clinical Law Center Report

b. Priority 1, Goal #4: Create or enhance specialized tracks or concentrated area of focus

The Center took the first steps in designing a **Civil Rights Certificate program**. The goal of this program will be to offer a specialized track and academic guidance to students who are interested in civil and human rights law. Consistent with the mission of the Center, the program will introduce students to the theoretical framework of civil and human rights, advocacy and movement organizing. The Center has drafted an outline of the Certificate program and will work towards getting faculty approval in the next academic year.

c. Priority 2, Goal #2: Enhance the Overall Student Experience

A goal of the Center is to remain student-centered in its programming. The Center space was organized to encourage students to use the space as a meeting place and to interact with the Center staff. Following are specific initiatives that the Center undertook to enhance the overall student experience at Howard Law:

1. **Student Advisory Council.** In the Spring semester, the Center recruited four students to serve on its Student Advisory Council. The purpose of this council is to advise the Center on the needs of students and get student buy-in on Center programs.
2. **Meet and Greet.** On February 13, the Center hosted a meet and greet for the students of the HCR Law Review, HCR Clinic, and HCR Law and Organizing Collaborative. The purpose of this event was to bring students together to meet each other, learn more about the mission and goals of the Center and explore future collaborative efforts among the three organizations. Consistent with the Center's goal of advocacy informed by scholarship, the Center is exploring ways to make sure that the work of the Law Review, Clinic and Organizing Collaborative students are integrated into the work of the Center, that students feel a sense of belonging to the Center and are inspired to explore ways of working together.
3. **Trauma-Informed Lawyering and Mindfulness Program**
As mentioned in section I.a, in response to student need, the Center co-hosted a workshop on trauma-informed lawyering. The workshop provided students with warning signs of vicarious trauma and coping strategies. The Center also hosted a Mindfulness program for the students as they prepared for their final exams.
4. **Social Justice Projects, Programs, and Events**

Throughout the year, the Center hosted a number of social justice focused events and programs. The Center has made consistent efforts to establish itself as a thought leader on civil rights and human rights issues. The Center staff has produced scholarship, articles, and op-eds, spoken at conferences, and made media appearances over the past year. Center events, like the visit of Lezley McSpadden, brought together students, staff and faculty, not only at the law school but also on the undergraduate campus around the issues of mental health and police violence. Some events, like the release of the IACHR Report on Police Violence and the *Spying Dissent* webinar, were accomplished through growing partnerships with human and civil organizations and civil society and attracted many community organizers and activists. These efforts have served to raise the Center's profile as a leader a trusted source for ideas and opinions and a go-to space for human and civil rights-focused events and programs. A full list of TMCRC sponsored and co-sponsored events and projects appears in Appendix A.

d. Priority 3, Goals #1 to #4: Support teaching excellence and innovation that prepares students to be effective and ethical lawyers, foster the production of high-quality scholarship that reaches a wide audience and promotes the public good, foster a vibrant and engaged community of teachers, scholars, and social justice community servants, and foster the production of social justice projects that promote the public good.

i. Teaching Fellows

A special feature of the Center is the teaching fellowship for young attorneys who want to teach and support social justice scholarship and projects. This fellowship is currently held by two aspiring law professors who, under the guidance of Professor Justin Hanford, engage in teaching, scholarship, and Center-based service. Following is an account of how both Fellows, Tasnim Motala and Nджуoh MehChu, contributed in each of these categories:

1. **Teaching.** Consistent with the law school's strategic goal of supporting teaching efforts that maximize students' efficacy as lawyers-in-training, Nджуoh MehChu developed a syllabus and taught a semester-long seminar on Social Justice Lawyering. He also supervised many of the fall semester clinical projects on issues ranging from reparations to bail reform. Tasnim Motala began in October 2018 and immediately began assisting with the clinic students. Tasnim guided and advised students in their research, writing and client interactions for the

Clinic and assisted with in-class meetings and projects. Most notably, Tasnim directly supervised the student effort on the Center's book banning report, which will be released in early Fall. Both Tasnim and Ndjuoh mentored students (at the law school and across campus) and helped them across a number of dimensions, including as it relates to job interview preparation and writing letters of recommendation for opportunities in the social justice space.

2. **Scholarship.** Consistent with the goal of producing high-quality scholarship that reaches a wide audience, Tasnim and Ndjuoh published articles on social justice issues and presented at scholarly workshops. Tasnim published an article about crimes against humanity and genocide in the *Quinnipiac Law Review* and is finalizing an article on tort for racial insults for submission in the August cycle. She also drafted an op-ed on the *Gamble* decision to complement the Center's amicus brief in that case and make two media appearances to discuss current legal issues. Tasnim presented her work at the National People of Color Conference in March and led a workshop at the International Human Rights Clinicians Conference at the University of Pennsylvania in April. Ndjuoh also placed an article on Amazon's anticompetitive practices in the *Economic Analysis of Law in European Legal Scholarship* and has two forthcoming articles. He presented at the 2nd Biennial Race & IP Conference, New York University School of Law in April 2019, and will present at the Global Human Rights at Risk, Leiden University at The Hague in June. Both Tasnim and Ndjuoh presented their work to the Howard Law faculty in April.
3. **Service.** Consistent with the goal of producing social justice projects that promote the public good, the teaching fellows actively contributed to the Center's programming. Tasnim was instrumental in the coordination of events like the Spying Dissent Webinar, the IACHR Report Release and the Trauma-Informed Lawyering Workshop. Ndjuoh, was instrumental in bringing Professor Craig Futterman to campus to speak on police accountability. Both fellows brought multiple scholars, practitioners, and movement-lawyers to campus to share their knowledge and experience with their students. Ndjuoh also served as an advisor to the HCR Law Review where he helped plan and execute a number of events throughout the academic year, most notably the Ferguson Symposium, and other events like the HCR's alumni brunch that reaffirmed the school's commitment to fostering a community of scholars and advocates committed to advancing social justice causes. He is currently working with the recently elected law review executive board to develop the 2019 writing competition.

- ii. Executive Director, Justin Hansford

While serving as the executive director of the Center and supervising attorney for the HCR Clinic, Professor Justin Hansford set the priorities for the Center, spearheaded its

activities and initiatives and supervised the educational experience for affiliated students. Professor Hansford set the pace for establishing the Center as a thought leader in civil and human rights. Throughout the year he did several speaking engagements, media interviews, and op-eds that served to elevate the Center's profile. Following is a list of Professor Hansford's speaking engagements and media appearances:

Speaking Engagements:

- May 16, Harvard Law School²
- May 9, DC Superior Court, Judicial Educational Committee.
- April 18, University of Baltimore School of Law, Faculty Workshop
- April 12, Harvard Law School, First Annual Critical Race Theory³
- March 26, Columbia Law School⁴
- Jan 14, Keynote Speaker at Rockville, MD MLK Day Celebration⁵ Jan 30, Podcast, Legacy of Martin Luther King⁶
- November 30, Yale Law School⁷ November 17, Conference at Rutgers with Student⁸

² <https://hls.harvard.edu/event/brown65-we-cant-afford-to-retire/>

³

<http://hlrecord.org/2019/04/first-annual-hls-critical-race-theory-conference-reclaiming-our-history-of-scholar-activism/>

⁴

<https://www.law.columbia.edu/events/racial-justice-human-rights-utilizing-human-rights-frameworks-dismantle-racial-oppression>

⁵

<https://newsroom.howard.edu/newsroom/article/9271/howard-law-professor-justin-hansford-deliver-keynote-speech-mlk-day-celebration>

⁶

<https://legaltalknetwork.com/podcasts/lawyer-2-lawyer/2019/01/the-legacy-of-dr-martin-luther-king-jr/>

⁷ <https://law.yale.edu/yls-today/news/justin-hansford-human-rights-and-movement-black-lives>

⁸

<http://www.blackstarnews.com/education/education/rutgers-conference-nov-17-18-fanon-decoloniality-and-the-spirit>

Media:

- Op-Ed on reopening the Michael Brown investigation in the Washington Post⁹
- Quoted in the media on:
 - Banning Bump Stocks¹⁰
 - Racial Discrimination in Corporate Investment¹¹
 - FBI's "Black Identity Extremist" Movement¹²
 - Reopening the Michael Brown Case¹³
 - The passing of Judge Damon Keith¹⁴

Priority 4, goal #3: Enhance our J.D. students' exposure to International Law

A core goal of the Center is to use both civil rights and human rights frameworks to address racial harms. Students in the HCR clinic were exposed to the international human rights law as a tool for addressing structural racism and their work reflects this perspective. For example, in preparing their report on book banning in prisons, students addressed possible violations from both a First Amendment and international human rights perspective. Students were also provided an opportunity to visit the Inter-American Commission of Human Rights in Washington, DC.

II. The Thurgood Marshall Civil Rights Center Strategic Plan

In November 2018, the TMCRC Strategic Plan was approved by the Howard Law faculty. The goals of the Center's strategic framework are to serve the community through advocacy and

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https://www.washingtonpost.com/opinions/reopen-the-michael-brown-investigation/2018/08/10/37c28e80-9bee-11e8-843b-36e177f3081c_story.html?utm_term=.f87d6f61fd34

¹⁰

<https://spectrumnews1.com/ky/louisville/politics/2019/05/02/making-sense-of-the-bump-stock-ban->

¹¹

https://www.washingtonpost.com/graphics/2018/business/is-racial-discrimination-influencing-corporate-investment-in-ferguson/?utm_term=.dcb429ac7fca

¹²

<https://theintercept.com/2019/03/23/black-identity-extremist-fbi-domestic-terrorism/>

¹³

<https://fox2now.com/2018/08/10/civil-rights-leader-wants-ferguson-case-reopened/>

¹⁴

<https://www.pbs.org/newshour/nation/judge-and-civil-rights-icon-damon-j-keith-dies-at-age-96>

public engagement and inspire new knowledge with intellectual engagement. To achieve its goals, the Center launched several significant initiatives in 2018/19:

1. Advocacy

- a. **Clinic.** Most of the Center's advocacy work through policy intervention and litigation support was accomplished in the Human and Civil Rights Clinic discussed in section I.a.
- b. **Amicus Brief.** In September of 2018, the Center teamed with Professor Adam Kurland to develop an amicus brief to the Supreme Court of the United States in the case of Terrance Martez Gamble v. United States of America. This case involves a challenge to the dual sovereignty exception to the Double Jeopardy Clause of the Fifth Amendment. The Center's brief was filed in support of neither party. The Supreme Court heard oral arguments in this case on December 6, 2018. Several justices asked questions about the issues raised in the brief concerning the potential impact their decision may have on future civil rights cases.
- c. **Project Bank.** The Center is exploring several possible partnerships for project bank initiatives that will provide opportunities for law students to work on a number of social justice projects. The Center is currently refining the process to ensure the best outcomes for students and project bank partners - this includes determining the parameters of the project and the supervisory responsibilities of both the partner organization and Center staff.

2. Public Engagement

- a. **Events.** The Center accomplished a significant number of events over the past year that were designed to engage the Howard community and public with pressing civil and human rights issues. See Appendix A for a list of the Center's events.
- b. **Reports.** As stated in section I.a, the clinic students worked on two reports over the past year. The first report involves the banning of books in prisons. When complete, this document will outline the status of book banning in all 50 states and Washington, DC and will be a tool for advocates for incarcerated individuals. The Center is currently finishing the edits to this document and then plans to publish this report on its webpage. The Center will also publish an op-ed on the issue of book banning to compliment this work. The clinic students are also completing

a report on the issue of police violence and mental health. The Center hopes to publish this later in the year.

- c. **Law and Organizing Collaborative.** Early in the Fall 2018 semester, the Center staff made efforts to engage with undergraduate students through speaking engagements, co-sponsored events, and event participation. Part of the goal of these efforts was to recruit students for its Law and Organizing Collaborative. The purpose of this group is to engage the wider Howard student body with the Center's community organizing efforts. The collaborative will organize community-focused events, like town hall meetings and work on civil rights campaigns with local organizations. This year, the Center took steps to create a student organization on the Howard campus and recruited an executive board. Now that the organization has been established, it will focus on training its members in community organizing and planning town hall meetings.
- d. **Media.** The Center staff did over 7 media interviews on civil and human rights issues this year and produced 2 op-eds. Another op-ed is written and will be submitted when the *Gamble* decision is released. The Center is also planning more op-eds on issues involving police violence, reparations, and book banning.

To facilitate its media outreach, the Center began work with a public relations firm that specializes in supporting organizations that are working for social change. The firm is providing invaluable support, advice, and training for the Center's staff. The Center has also developed a productive working relationship with the Howard University Communications departments.

- e. **Community Outreach.** The Center co-hosted two events that saw significant participation from community members and activists.
 - i. The IACHR Police Violence Report Release was a collaborative effort with the IACHR, ACLU, RFK Human Rights, Race and Equity and the Bunche Center. Over 100 people community organizers attended this event. The event was also recorded and is available on the Center's webpage.
 - ii. The *Spying Dissent* Webinar was also a collaborative event that attracted many community organizers and activist both in person and online.
 - iii. Under the purview of th with the HCR Law Review, the Center convened a workshop at the DC Jail in conjunction with Bryonn Bain of UCLA's Department of African American Studies with the participation of students, staff and faculty.

3. Intellectual Engagement

- a. **HCR Law Review.** Under the guidance of Center staff, the Law Review had many accomplishments this year. Most notably, the Ferguson Symposium, which was well attended and attracted prominent politicians and activists. The Law Review's alumni brunch was also notable, reconnecting past members of the law review and its predecessor journal with current and prospective members for reflection on social engineering in the 21st century. These events not only reaffirmed the school's commitment to fostering a community of scholars and advocates committed to advancing social justice causes, but it also elevated the law review's, and by extension, the law school's, profile as a leading body for the study of social justice and the law. Law Review's upcoming publication volume, which features a number of scholarly articles engaging critically with frontier issues at the intersection of human and civil rights, continues this momentum to a reach wider audience.
- b. **Book club.** The Center launched a book club this year with the goal of engaging the law school community in discussions around civil and human rights through the vehicle of both fiction and non-fiction literature. The first meeting discussed *The New Jim Crow* by Michelle Alexander and the second meeting discussed *The Fire Next Time* by James Baldwin. The Center is considering ideas to make the book club more robust and accessible to students, including using Student Advisors as club leaders and opening up the book club to representatives from partner organizations.

III. Center Administration

To successfully launch and develop its strategic initiatives, the Center focused on three goals - to build the Center's infrastructure, deepen partnerships internally and externally and ensure the financial sustainability of the Center. Each individual goal listed below facilitates the success of the other goals:

1. **Building Center Infrastructure.** Apart from completing the strategic planning process, the Center scheduled mid-year and end of year retreats to assess its progress and plan for the upcoming year. Building this culture of planning and evaluation has given the Center a strong start and a good foundation of work to build on. During the year, the Center also focused on creating a space that reflected the student-centered goal of the Center and on facilitating the operations of the department. By the end of the semester, the Center space was

transformed into one that is functional and student friendly. The Center also launched its webpage and is currently working on exploring ways to make the page more dynamic, user-friendly and accessible to key stakeholders. The Center continues to experience some challenges that are described in Section IV. below.

2. **Deepening Partnerships.** A key goal for the Center this year was to begin building partnerships with other organizations and entities that are interested and engaged in human and civil rights work. These partnerships will increase the Center's visibility and reach, provide opportunities for collaborative work and provide funding opportunities. The Center was successful in building many relationships to support projects and host events. Following is a list of organizations that the Center worked with during the past year:

- a. American Civil Liberties Union
- b. Center for Constitutional Rights
- c. RFK Center on Human Rights
- d. Law 4 Black Lives
- e. Inter-American Commissions on Human Rights
- f. Bunche Center
- g. Clinical Law Center
- h. Race and Equity
- i. Defending Rights and Dissent
- j. The Center for Media Justice
- k. National Lawyer's Guild

In addition, the Center is also currently planning programs and projects with other organizations like the Advancement Project.

3. **Ensuring financial sustainability.** The Center made efforts to begin the fundraising process during the past year. By building a webpage and producing a newsletter, the Center began to engage internal and external constituents with its work. Now that the Center has built a significant body of work, established its identity and promoted itself as a thought-leader in human and civil rights, it will leverage its success to build financial support. The Center will work closely with Dean Holley-Walker on its fundraising efforts. The goal is to produce a case statement and fundraising plan by the end of the summer. The Center staff will also work on building a list of potential donors and matching these donors with opportunities to support the Center. The Center will also focus on building relationships with charitable foundations and grant writing.

IV. Challenges

Although the Center experienced great success over the past year, the following items, remain a significant challenge to the operations and continued growth of the Center:

1. **Support.** The Center functions without administrative support and as a result, the managing director spends an inordinate amount of time on administrative tasks. As the Center prepares to focus more on its fundraising plan, it would benefit from some administrative support. The Center is in the process of hiring a student worker; however, a part-time or shared administrative position would be helpful in addition to a student worker.
2. **Space.** The Center's space remains a challenge as its professional staff who do not have their offices. The current office arrangement allows for an accessible space for meetings, but one that is not conducive and often disruptive to individual or independent work. As a possible solution, The Center would benefit from either expanding on the first floor of Notre Dame Hall or moving its operations to the mostly unused offices on the ground floor of the Clinical Law Center.
3. **Financial Affairs.** As the center takes a more active role in fundraising, it will need more access and control over its financial affairs. Financial transparency will be integral to gaining the trust of our donors. Added to this, the constant delays in processing payments create a significant burden when dealing with vendors and guests for events. Fundraising will demand regular activity, including more frequent travel and more routine expenses, and there is concern that the current process will not be sustainable in the more fundraising centric environment.

V. Goals for Next Year

At its end of year meeting, the Center staff outlined a list of priorities for next year that will serve to:

1. Implement a strategic fundraising plan;
2. Further integrate students into the work of the Center and provide them with opportunities for enhanced educational outcomes;
3. Focus on a limited number of high-impact events that serve to further raise the Center's profile and establish its identity; and
4. Continue promoting the development of law teaching fellows.

Vi. Conclusion

Guided by its strategic plan the Center has produced a remarkable set of accomplishments in one year. The Center has transformed its physical space, provided unique educational and professional opportunities for students and is building its identity, reputation, and leadership in the human and civil rights arena. These achievements provide a strong foundation for the Center for the upcoming year.