

## SYMPOSIUM TRANSCRIPT

The symposium was moderated by Professor andré douglas pond cummings of University of Arkansas at Little Rock William H. Bowen School of Law.

*Daniel Gabuardi:* Good morning everyone, and welcome to the St. Thomas Law Review Symposium on Race and Policing in America. My name is Daniel Gabuardi, I am the Law Review Article Solicitation Editor and Host for today's event. I want to begin by thanking our panelists for joining us today, and for the audience taking their time to be a part of this event.

I would also like to remind everyone in the audience that the program for today's event is located in the message function of the Zoom, and that questions can be asked through the Q and A function on the Zoom. Without further ado, I would like to introduce you to St. Thomas Law Review's Editor-in-Chief Daniela Tenjido.

### OPENING REMARKS

*Daniela Tenjido:* Thank you. Good morning everyone, welcome to the Spring Symposium. Thank you for being here. As Daniel said, I have the privilege of serving as the Editor-in-Chief of the Law Review. One of the purposes of our Law Review is to advance debate within the legal community, and after the events of last year including most notably the killings of Ahmaud Arbery, Breonna Taylor, and George Floyd, and all the other conversations about race and racism that were happening in our country, the Law Review decided that for its 33rd volume, if there was a debate that needed to be advanced it had to be the state of race and policing in our country. With that being said, a huge thank you to our authors and our panelists for their knowledge and willingness to share with us all, and now I would like to introduce the Dean of the St. Thomas University College of Law, Dean Tamara Lawson. She is a scholar in this area herself and someone who continues to be a huge support to the Law Review and its mission. Thank you and I hope you enjoy the program.

*Dean Lawson:* Thank you, and good morning to everyone. I'm thrilled to be here, I'm thrilled to be part of the welcome and introduction of this important Symposium as the Law Review has already said. I want to echo the thanks and welcome that they just gave you, and the importance of this particular topic.

I want to recognize their hard work, including their faculty advisor, Professor Donald Tibbs, who has worked tirelessly with them and bringing together a panel of experts from across the nation. I'm well aware of their expertise, some of whom I have worked with myself on panels like this, but I agree with the Law Review that today is a different day and it is a different moment, we are at a different point of our discussion, some of us have been in this discussion for quite a long time.

But this symposium today is even happening in the backdrop of the active case, criminal case, pending on one of the most important killings of this discussion and maybe the one killing that could have, maybe, turned the country's attention to this important issue in a new way.

I'm so thrilled to hear our panelists, our experts, our scholars, enlighten us further. I know there has been discussion that, the summer of 2020 was a moment of awakening to racism and an awakening to racism as it relates to policing, but there is a lot of scholarly expertise that still needs to be discussed and shared with the larger community.

Again, I'm thrilled – we have over two hundred participants joining us already, I expect that we will have even more. Again, I thank these experts for joining us, I thank the Law Review for convening this important discussion and I believe this will be something that St. Thomas University College of Law will be in the discussion on for decades to come. This represents, additionally, our demographic, and our mission, as we continue to strive to impact diversity in the legal profession. So, without further ado – I'm thrilled, couldn't sleep well last night because I knew this panel was kicking it off today. So thank you, everyone.

*Daniel Gabuardi:* Thank you, Daniela and Dean Lawson, for your remarks. I would now like to introduce our moderator Professor André Douglas Pond Cummings in our first panel, the authors of 'Meek Mill's Trauma: Brutal Policing as an Adverse Childhood Experience,' by Professor Todd Clark, Caleb Conrad, Judge Amy Dunn Johnson, and Professor André Douglas Pond Cummings. Professor Cummings, take it away.

#### PANEL 1

*Professor Cummings:* Good morning. We could not more delighted to be spending these early hours with you this morning on this issue that is so critical as Dean Lawson just mentioned. As Daniel just indicated, I am Professor André Cummings, I am a professor of law at the University of Arkansas at Little Rock William H. Bowen School of Law.

I'm truly energized by the opportunity that we have today to really talk about the groundwater problems that exist in policing in America, and I want to begin today by suggesting my older brother, may his soul rest in peace, was a

police officer before he passed away a couple of years ago. We have a deep respect for the individuals that do this difficult work of policing in America.

This panel ultimately is how we can police minority communities better and in a safer way and in a way where we can avoid the tragedies that, as Dean Lawson mentioned, exist in the trial of Derek Chauvin, the killer of George Floyd. So, at the backdrop, we're coming at this from a place of deep respect, the recognition of importance and yet, a recognition that much needs to be done to change the way that our police engage, particularly with minority communities in the United States.

I wanted to begin also by thanking Daniel Gabuardi, the Symposium Editor of *St. Thomas Law Review*, Daniela Tenjido, the Editor-in-Chief of the *St. Thomas Law Review*, Dean Tamara Lawson, and the *St. Thomas University College of Law*, and in particular Dr. Donald Tibbs, the advisor of the *Law Review*.

This is an exciting opportunity for, as Dean Lawson mentioned, us as scholars to engage these really important topics. I could not be, as I said earlier, more delighted to share this platform today with my co-authors: Dean Amy Johnson, Deputy Prosecutor Caleb Conrad, and Professor Todd Clark.

Amy, did I just call you Dean Amy Johnson? Yeah, she – well, she is Dean to most of us, but ultimately her work right now is as a judge. I wanted to introduce the panelists quickly before I turn it over to them.

Caleb Conrad is a Deputy Prosecutor in Arkansas, a recent graduate of the University of Arkansas at Little Rock William H. Bowen School of Law. He graduated undergrad from the University of Arkansas and is a terrific, brilliant, recent law student, but current Deputy Prosecutor in the vein, hopefully, of Larry Krasner and some of those progressive prosecutors that are changing the way we prosecute in the United States.

Judge Amy Dunn Johnson, for the last ten or fifteen years, lead the Arkansas Access to Justice, a terrific legal aid commission in Arkansas. She is a graduate of Hendrix College in Arkansas as well, as a University of Arkansas at Little Rock William H. Bowen School of Law. We're very proud of her, as one of our alums. Judge Amy Johnson just won a seat on the 6th Judicial District to serve as a family court judge in the Pulaski area in Arkansas. And I can't tell how thrilling it is for me to think that someone that engages on these topics that we'll discuss so deeply is a judge on the bench, that will adjudicate with compassion and with empathy and within an understanding of these issues.

Also, my good friend and colleague, Todd Clark, you all know him well at *St. Thomas*. Todd Clark is a professor of law at the *St. Thomas University College of Law*, graduated from Wittenberg University and the University of Pittsburgh Law School, also has a master's degree from West Virginia University College of Business and Economics. And as many of you know that – that may sit in Professor Todd Clark's classrooms – is one of the most dynamic and visionary law professors that I know.

And so, with that introduction, I'm delighted to turn the next five minutes over to Caleb Conrad who is going to kick off our discussion and our topic is 'Meek Mill's Trauma: Brutal Policing as an Adverse Childhood Experience.' So, before Caleb kicks it off, we thought that it would probably wise for us to actually spend a little time with Meek Mill.

This is Meek Mill's 'Trauma' video, and as you watch it, I want you to pay attention to the types of traumas that Meek Mill discusses that he experienced as a young child growing up, and even some of the trauma he's experienced as one of the iconic hip-hop pioneers of our day. So, let's pay a little bit of attention to Meek Mill and his video 'Trauma'.

*[Meek Mill's Video playing] [0:10:00] to [0:14:10]*

*Professor Cummings:* As my students, that may be joining us from Arkansas, know, and my colleagues at the University of Arkansas, our panel requires a parental advisory sticker, so I probably should have mentioned that before we showed the video. But with all of that said, and with the depth that I think Meek Mill describes trauma in that particular video, would like now to turn the table over to Caleb Conrad to start our conversation. Caleb.

*Caleb Conrad:* Thank you Professor Cummings, and I am so happy to be here today. Judge Johnson is actually sharing her screen of what is a current adverse childhood experience screener that physicians use to screen for childhood trauma. Today, ACEs are broken down into seven to ten categories, generally, as you will see broken down on this screener. And Judge Johnson, do you want to just introduce the poll that we're going to conduct?

*Judge Johnson:* Sure, so this is a tool that was originally developed to be able to assess the number of traumas that, you know, in evaluating the degree of trauma that people experienced, looking at how many of these events have happened in a person's life before they reach the age 18. And in taking this poll, I mean it's completely voluntary, it is anonymous, but the goal of sharing this with you today is to show you how pervasive adverse childhood experiences are across all populations.

So, these are questions that are, you know, deal with probably some of the most personal, most difficult experiences that if you've encountered these as children, I mean are incredibly hard to talk about and think about and so, you know, this completely optional to participate, but you can read through and see this particular screener and this is the original one that was developed as part of the Kaiser Permanente study, but there are ten different questions.

And so – in just a moment we are going to be launching a poll and if you can just maybe take thirty seconds or so to read through each of these questions and think about your experience prior to turning 18. And if you have experienced one or more of these – the poll is just going to ask for a total, so there is no picking which one of these or ones of these that you have experienced, but

most people have experienced at least one ACE in their lifetime and so we'll go ahead and launch that poll and take a look at this and if you would respond, if you feel like it, with your score.

*Caleb Conrad:* As you complete the poll, I wanted to use my time this morning to talk about ACEs and the original discovery that was my part of this article. Doctor Vincent Felitti and Robert Anda conducted the original ACE study, Judge Johnson just spoke about using this questionnaire.

So, they surveyed more than 17,000 adults in Southern California in the mid-1990s wanting to study the relationship between childhood trauma and long-term health outcomes. So, a respondent's total ACE score was compared to that individual's medical records, and the doctors found a couple of groundbreaking things, two of which are of note. First, like Judge Johnson said, the study found that ACEs are incredibly common, more than 67% of respondents reported having at least one ACE and 12.6% had a score of four or more. Second, the study established the undeniable link between childhood trauma and negative long-term health outcomes.

So, not only did the study find that the higher a person's ACE score, the more likely he or she was to abuse drugs or alcohol or suffer from depression, those are a bit intuitive, although the study did find those things, but it went deeper. The two internal medicine physicians showed that childhood trauma makes people more likely to die from one of the ten leading causes of death in the United States, this includes heart disease and cancer. In fact, recent researches found that a person with six or more ACEs will die on average twenty years earlier than someone with no ACEs.

And what's most profound about the study is who was surveyed. The pool was 70% white, 70% were college educated and they had access to great healthcare. New and emerging ACEs research has established that Black children experience the most ACEs of any childhood population in the United States, and the studies suggest this is a direct result of generational complex trauma in the form of poverty and racial discrimination.

Our country's history of state-sanctioned segregation and violence has led to majority Black neighborhoods that are more poor, more violent, and less stable and we employ, currently, a criminal justice system that continues to weaken Black communities through mass incarceration and the literal murder of Black bodies.

So, these systems perpetuate the ACE category known as social disadvantage, which is a catch-all of poverty, economic hardship, community violence, and discrimination and it's this single category that we are going to talk about today, it described traumas that are not isolated events that might frighten a child once or twice, but instead largely makes up a child's home environment, the entirety of his or her childhood.

A child living in constant fight or flight mode experienced what is known as toxic stress, which is a phenomenon that can cause lasting damage to a child's

brains and organs. And so, living in an environment that is trauma, that is social disadvantage, can lead to a child experience in more of the categories. It's more likely that the parents will separate, it's more likely a family member will be incarcerated, we know that disproportionately impacts Black children as well.

And so, each time a child experiences trauma and the ACE score increases, so does that child likelihood of experiencing negative health outcomes, engaging in risky behaviors, and ultimately living a shorter life. So, my responsibility this morning this far is just this basic understanding that childhood trauma has been shown to impact one's health for the rest of his or her life. And that sets the tone for the traumas that we will be discussing today, namely policing and the criminal justice system that add to the adversary and trauma of particularly Black children in our country, like Meek Mill who will be our illustration throughout.

*Professor cummings:* Thank you, Caleb. I wanted to highlight two things quickly before I move into my part of the conversation, which is anti-Black policing in the United States that we argue serves as an adverse childhood experience. If you take a look at the poll that's still being shared, we had 126 of you respond.

We are grateful for your willingness to respond to that. 32 of that 136 have experienced more than four adverse childhood experiences, and what doctors indicate, and only 24 of us out of the 126 respondents had zero adverse childhood experiences. And what that seems to indicate to us, and to vibe off what Caleb Conrad was just saying, is that these adverse childhood experiences don't just impact us as children. The trauma that's inflicted impacts us as adults, stays with us, and continues.

And I would like you to think back to trauma video by Meek Mill and how many of these adverse childhood experiences did he describe. In the course alone he says, "when the drugs got a hold of your mama." That's an adverse childhood experience. "When the judge got a hold of your father," meaning that his dad was incarcerated during Meek Mill's childhood, that's an adverse childhood experience.

"Go to school with bullet holes in the lockers." That is evidence of, as Caleb Conrad was just discussing, that's evidence of social disadvantage, community violence, that's an adverse childhood experience. In the course alone, Meek Mill describes having suffered from three adverse childhood experiences that is just the tip of the iceberg as far as the rest of the song, sort of the indications the adverse childhood experiences that he experienced.

And so, what I would like to do at this point is for a few minutes share with you why we believe that policing and minority communities should qualify as an adverse childhood experience. And so, let me begin by saying that policing in the United States is, as we argue, toxic stress to the lives of Black children because of the way police enforce the law in Black communities.

So, one constant source of toxic stress in the lives of Black children and brown children growing up in Black, brown, and urban communities, is the hyper presence. And Dr. Donald Tibbs has written about hyper policing in those communities.

Under the ACE category of social disadvantage, racial discrimination accounts for frightening and threatening experiences related to not only housing, racial discrimination, but also interactions between Black Americans with the criminal justice system and with the police. And in fact, Black Americans, according to a Harvard study, were found 3.23 times more likely to be killed during a police encounter compared to white Americans.

I want you to also think about, those of you paying attention to Derek Chauvin's trial in the killing of George Floyd: in the first two days of testimony, we heard from community citizens that were standing by watching the suffocation of Meek Mill and the trauma that each of those individual witnesses suffered. Two of the witnesses were children, a nine-year-old African American female, and a seventeen-year-old African American female that recorded the encounter that so many of us have witnessed. And both of them described feeling guilt as they stood by helpless, watching Derek Chauvin choke the life out of George Floyd and that is a trauma, the kind of trauma that we are describing in our particular article.

And the point that I wanted to make most strongly here is that state sponsored killing of unarmed Black men and women is a deeply rooted historical tradition in the United States. And in fact, since the killing of George Floyd, these killings by police of African American and Latinx citizens has not abated. In Orlando, close to y'all's home, in Miami Angelo Crooms, a sixteen-year-old, and Sincere Pierce, an eighteen-year-old, were shot and killed in Cocoa, Florida while driving slowly away from a sheriff deputy and these are children, a sixteen-year-old and an eighteen-year-old being killed by police.

And one of the things that is most devastating, and I think important for this discussion, is that the culture and history of policing developed from the slave-era practice of slave patrols, pursuing and capturing runaway slaves, and southern US politicians seeking to control the newly-freed Black bodies following the Civil War, and that is a direct line that we can trace from modern police departments today to slave patrols of a foregone era.

And so, we argue, and I argue particularly, in this piece of our article that police departments today, whether witting or unwitting, are deeply rooted in an anti-Black tradition of controlling and abusing Black bodies and that's a cultural problem. Our paper discusses ways that we can actually address and fix some of these problems, but it's really important for us to recognize that the fascination and intense desire to control Black male and female bodies continues today as police departments and law enforcement agencies across the US follow this time forged tradition of concomitant enthrallment coupled with brutal control.

And I'll end my piece here by saying that Meek Mill in his song *Trauma* actually discusses this brutal policing that we're talking about. He specifically says, and I'll go to his words for this, "[a]in't no PTSDs, them drugs keep it at ease, they shot that boy twenty times when they could have told him just freeze, could've put him in a cop car, but they let him just bleed, the ambulance is coming baby, just breath."

And we argue that he is very specifically there talking about the police killing of Stephon Clark in Sacramento, California in the same year that he released *Trauma*, which is 2018, where police shot at Stephon Clark, an unarmed young Black man, twenty times, when he was simply holding a cellphone in the backyard of his grandparents' home rather than attending to Clark after shooting at him, twenty times hitting him seven times, just four seconds after they entered the backyard, the officers first checked one each other's safety, proceeded to wait five more minutes before attempting to render aid to Clark who was already dead.

Meek Mill says, "Could have put him in a cop car, but they let him just bleed[.]" So, I want you to think as we progress forward, and I turn the floor over to Professor Todd Clark, about the kind of trauma that the way that we engage policing in the United States puts on Black and brown children as they grow up, particularly keeping in mind those bystanders that watched Derek Chauvin suffocate the life out of George Floyd and to each of those individuals that have testified in his trial, they all feel trauma and guilt. Professor Clark, the floor is now yours.

*Professor Clark:* Thank you very much Professor Cummings, and one I would like to, just once again, thank the Law Review for providing us with this wonderful opportunity, one for us to come together and talk about such an important topic, and two, for allowing me the opportunity to share this panel with such amazing people, of which you would have the benefit of having sat through many of our conversations and putting together this article, but it was exciting as well informative.

And so, I am going to try to keep my remarks short as I promise the fellow panelists, but I think I would be remised if I didn't talk a little bit about why we really think that it was important for us to use a hip-hop artist to tell this story about adverse childhood experiences and the impact that they have on young Black children.

One of the things that are really important to us is that when you talk about Black children you are talking about the story of the Black experience, and what better way to exemplify the Black experience than through Black culture. There is a validating component of realizing that the experiences that these children encounter on a daily basis can be told that in a language not only that they can relate to, but that actually tells their story from a ground level. And so, we thought that it was really important to highlight that through Meek Mill's work.

The other component is, Meek Mill, maybe it's debatable for some, but I would say that he's really equivalent to a modern-day Tupac. I mean Tupac, while he had some challenges, he was largely regarded as a leader among the hip-hop community. And I think that Meek Mill has taken that baton and has run very quickly with it and elevated the voice of the Black community, especially with issues regarding social justice. He's really taken a lead as you can see and as evidence by the song that we heard from him called, 'Trauma'.

Professor Cummings made a really profound point, and he talked about policing in America and its insidious history. I might even take up that one step further and that's one of the things that I talked about in my particular piece of the article, which we'll explore in more detail later. But it's not just policing in America, there's an insidious history with the administration of justice in America.

So, we're not just talking about the actual police experience, we're talking about charging, we're talking about setting bail, typically African Americans are denied bail more, and in the situations where they do receive bail, they pay higher amounts. If you think about the plea-bargaining stage, jailing, as well as sentencing throughout the entire criminal justice process, and even if you go before, I talked about the things that you deal with - once you get to the criminal justice component in the court system, as Dre mentioned, you also have it in the policing, even if you think about it from the political process and the way often laws are designed to target - if you think about the war on drugs and how those laws were designed to target the people that were selling, and the end-users, and not the people that were bringing the drugs into the country.

So, America has an extremely insidious history and negative experience with African Americans. And so, it's important to understand that that underlies this entire conversation. And I really have to reiterate this because when Professor Cummings called me and said, 'Hey Todd are you interested in working on this piece?' And he said, 'We're going to talk about ACEs.' and I was like, 'What is an ACE?' and he said, 'An adverse childhood experience.' And so, I started doing my research, and then it took off from there because it was related to these things that are important to me.

And the things that was so compelling, and I have to reiterate this, its a comment that Caleb made, is that, when you look at that study about adverse childhood experiences, people that experience six or more, their lifespans were condensed by twenty years relative to people that experience zero. And the compelling thing about that particular story, that was for middle class America.

Those were individuals that aren't expected to experience trauma, and if they do, they have the resources to address those issues. They can get their children the counseling they need, they can get them in the right programs. We're talking about the Black experience. I mean there's no telling what that statistic will be because those resources don't exist.

So, I will stop there because I really want to give us an opportunity to engage in our Q and A session. But I want to thank you for providing me with this opportunity and I'm excited to continue our discussion today.

*Judge Johnson:* Thank you so much, Todd. And I'll pick up there by saying, and piggybacking onto what Todd has said about - It is such a strong and undeniable link between the experience of childhood trauma and poor health outcomes. I mean you hear co-relation versus causation. The fact of the matter is, it's called a dose-response effect.

For each adverse childhood experience that a person has, there's a multiplier effect of the likelihood that they're going to experience a negative health outcome. And so, when we're talking about policing, when we're talking about the trauma that Black children and Black families experience, we are talking about a public health crisis.

And I think the importance of bringing ACEs into this discussion shows that this isn't just an issue of poverty or racism or things that I think particularly white folks tend to, 'That's not my problem' that get dismissed. This is all of our problem because this is a public health crisis. And it is a preventable public health crisis.

One thing that I want to mention, too - exposure to police violence and violent policing, is not currently an ACE. And we argue that it should be. Dr. Nadine Burke Harris, who is the pioneer in writing about and really bringing this to the public attention, talks about how the stress response that's responsible for creating the negative health outcomes is a natural biological process. There's good stress. You encounter a bear in the woods, and that's the analogy she uses, and you want to be able to shut down the frontal cortex that processes higher thought. You just want to be able to cut and run and get out of the way.

And that stress response helps you to fight, to get out of the situation, and then your system regulates. But when you are around stress all the time and when you live with the bear, that stress response causes a physiological deregulation of your system that, as Caleb said, it damages organs, and it permanently affects brain structure. And there's even research that says it causes epigenetic changes.

So, biologic changes that get handed down from one generation to another. And so, the generational trauma that we talk about is not just the passing down of the lived experience of being Black and experiencing this trauma, but physiological changes happen as a result of the persistent stress that is caused by policing.

And I'll just briefly mention, there is at least a little bit of emerging research on this that talks about police exposure in the form of racial profiling, in the form of exposure to police violence that Dre mentioned, and then exposure to caregiver encounters with police, which also includes the incarceration of parents, which is, of course, a recognized ACE.

And I want to talk - when we think of resilience, we need to be thinking about ways to respond. This is not a task that the healthcare community can take on. This is the point at which our justice system needs to reckon with our role in inflicting and in perpetuating this kind of trauma on communities of color. And we need to take a critical look at the structures that are in place, the practices that are in place that we are causing because we can take that away.

We can ameliorate the effects of the trauma we are creating, if we have the courage to be self-critical, to examine what needs to be done, and then have the will to do it. And so, with that- let's see. Okay, so I'm seeing some comments. And so, I know that we've got some questions that Dre is going to go through and we're going to kind of explore those. But we've got the chat, we've got the Q and A. It looks like we've got some already.

So, I encourage you. If you hear something that really resonates with you or you have a question, jump right into and ask me. This is a conversation. We're super excited to get to have this dialogue with you all today. So, let's move to the Q and A so that we can have a more interactive conversation.

*Professor cummings:* Thank you, Judge Johnson. And let me just reiterate folks to please drop questions into the Q and A or into the chat as we progress. I'm going to ask each of the panelists a question or two before we turn to audience Q and A to flush out this a bit more, but we're very anxious to engage with you in this conversation.

So, I want to go to Professor Clark first. And this question will then also volleyball over to Judge Johnson as well. But Professor Clark, in your piece of the paper you talk about re-conceptualizing the judiciary in regards to dealing with Black defendants. And I want you to elaborate a bit on how you imagine that our judiciary can be re-conceptualized in a way that truly takes into account the trauma that Black children and Black defendants have experienced.

*Professor Clark:* Oh, thank you, Dre. One of the things that I think is important is that really what we're talking about here. When we sat down to write this article, we thought that it was extremely critical to talk about this issue so that it's on the forefront, and it's that the judiciary is even aware that this issue exists. Because part of it is about providing information and helping people think about things differently.

When you're talking specifically about the adverse childhood experiences component and how that will impact the judiciary, one of the things that we mentioned in the article was in 2014, the American Bar Association actually adopted a policy - a specific policy on trauma-informed advocacy for children and youth that provides an instructional foundation for how to re-conceptualize the judiciary in regards to Black defendants.

So, that was a specific provision that was promulgated by the ABA. And so, one of the things that I think is important from creating trauma-informed judges. There are two things that could happen. It will inspire meaningful modifications to the court system to encourage a more just legal experience for

Blacks, right? To the extent, that the judges are aware of this problem. We're training them about how ACEs impact the lifespan of young African Americans. And so, they are aware of it.

And part of it is just getting that conversation to start so that judges can think critically more about how to come up with policies and procedures that address this issue. And then the second part again, and that is in getting judges in encouraging to adopt solution-oriented approaches. And so, what would a solution-oriented approach look like?

Maybe it's a discussion about when you're creating the sentencing guidelines - how does a person's ACE experience, how does that factor into the way that a judge might sentence a criminal defendant? Really what this is about is facilitating the discussion because, as Judge Johnson said, this is something that is not being conceptualized in the Judiciary or even as an ACE.

So, I think first getting people to recognize that the Black experience with law enforcement is an ACE. That's number one. And then getting judges to understand the value and the impact of that is number two. And then once that happens, that opens up a pathway to have discussions about how to change the law, how to change the way we administer justice in a meaningful way in order to take in those things into consideration to have a more just legal process.

*Professor Cummings:* Thank you, Professor Clark. Amy, will you take a crack at that question as well? Specifically, how can judges play a role in addressing and preventing this trauma that we're discussing?

*Judge Johnson:* So, the focus- I mean so far Todd talks about the criminal justice system. And I think that is the more obvious place to start. But I will tell you that as a family court judge, and I may even pull up the ACEs questionnaire once again just for folks to see. The legal system interfaces with trauma not just through the criminal justice system. I hear domestic abuse cases. And so, if a family member is experiencing, if adults in the home are hitting, punching, beating, or threatening to harm each other, those people are going to come to family court.

Children who are separated from a parent by divorce, particularly in an extremely contentious divorce, are going to experience an ACE. I think that the judges need to be thinking very broadly about this. The juvenile justice system - there is no area of the law where judges are deciding cases where there is not some sort of nexus with childhood trauma.

And so, I think all judges need to be trauma-informed. And I think about the cases that I'm already- I mean I'm just a couple of months into this, and I don't have any training on how - I mean I've had children who have testified in my court about terribly traumatic experiences they've had with a divorce or custody issue. Our judges need to understand how to conduct that in a manner that does not re-traumatize those children.

And that provides- this is really, and this may get into kind of the barriers, but we don't have nearly enough supports in place to be able to provide the

therapy, to provide the intervention, to provide the diversion for folks whose families are experiencing drugs and alcohol abuse. I mean, we don't have nearly the resources that are needed to build that resilience.

And I think judges should advocate for that. And I think that we have to have more resources to support alternatives to incarcerating people and to traumatizing families who end up having to resort to the court system to stay safe and to keep their kids safe.

Judges obviously have to follow the law, but I think that we can be creative in our approaches. And I think being trauma-informed is one. And the second I think it's extraordinarily important to recognize the role of implicit bias in juridical decision-making. Because we have seen the outcome of that and the absolute desperate outcomes in sentencing when you compare the number of Black defendants to the number of white defendants who committed the exact same crime.

We are disproportionately sentencing Black and brown men to death and incarcerating Black and brown men at disproportionate levels. And I think that that's in part a function of implicit bias in our justice system. And I will say too, I don't want to take a whole lot of time, but implicit bias is also a biological, there's a biological basis in that.

Our brains are taught to develop shortcuts so that we can very quickly assess danger in a situation. And so, we develop these shortcuts that say, 'Oh, this bear is dangerous, and this rabbit is not.' I mean our brains develop these shortcuts. And implicit bias is a function with, in particular when it comes to our decision making around Black defendants, Black family members, is that we live in a society that is racist and that teaches us that subconsciously that there is danger, and that Black men are violent.

There are the stereotypes that whether or not we're conscious of it are in our minds and that we make decisions based on that. So, I think Harvard has done some work in this area where you go and take an implicit bias test because these are biases that all of us have. And I think that we have to recognize the role of that bias in decision-making.

I hate the way that we despise - I despise the way that we depict Lady Justice as being blindfolded because I think, while the idea behind that is good, and that we want judges to be fair to everyone and to treat everyone the same, the fact of the matter is not everyone is coming from the same place. And I think that it feeds into that color blindness rhetoric that is so incredibly damaging. We have to recognize and meet people where they are.

*Professor Clark:* And you know I hate to jump in here Professor Cummings because I know that you're the moderator but Judge Johnson said something that I just think is really compelling. And it really got me to thinking. You know Judge Johnson, we've had a chance to have wonderful discussions about these issues. You're highly aware, you understand, you get it, right?

And so, I guess my question to you is - in your short time so far on the bar. I mean on the bench. Have you had an opportunity to utilize some of them the things that we're talking about in our article in a practical application in with dealing with one of the people that were in front of you in the court? Has this informed the way that you've handled those situations? And if so, could you give an example so that people will be able to see a practical application of what we're discussing.

*Judge Johnson:* Sure. Probably the most common example that I see is in domestic violence cases. And I'm still working my way through how to deal with these. But I knew right away that I was not - I mean most of these people that come in do does not have attorneys. So, I, as a judge, am asking the questions.

And so, - on day one I went and read up on all I could what I can do in the way of taking a trauma-informed approach to asking questions that don't place blame on victims. And I'm also mindful too, that a lot of times even abusers in these situations are products of trauma.

And so, I've been able to apply it in the way that I conduct the questioning both of the victim and of the alleged abuser. And then I'm really interested in this. I could totally go off on tangents, but I mean I'm also very interested in how even how that system is broken in how we end up criminalizing domestic violence where it may be more of an issue where we can provide some social supports that can head it off, to begin with.

So, yes that's something that I've already been able to apply and the longer I'm at this I'm going to have so many more ideas.

*Professor Cummings :* Thank you, Amy. I have a question for Deputy Prosecutor Conrad, and I want to preface that question, Caleb, with this. And to our audience, we really recommend the Amazon Prime documentary of 'Free Meek.' Write that down if you haven't viewed it. It's called 'Free Meek' and it actually describes Meek Mill's own - we haven't talked about this much - but his own interfacing with policing and the criminal justice system itself.

Really quickly before I get to my question to Caleb, I wanted to, for those of you who are unaware: Meek Mill was wrongly arrested. There was a police officer that is now been kicked off the force, and the DA won't allow any of the people that were on this police officer's task force to testify because of the corruption that were engaged.

But the police officer wrongly swore on affidavit that he had viewed Meek Mill selling crack, which Meek Mill denies, he's never done, he's never taken. And as he was being arrested, Meek Mill walked out of the stoop where he was staying, saw the police surrounding him, took a gun that he had on him out of his waistband, laid it on the ground, put his arms in the air, and was brutally beaten by this police task force. And they claim in the arrest warrant that he had pointed his gun at the police officers.

One of the police officers had actually turned on the task force and turned them in, basically said, there isn't any way that Meek Mill pointed his gun at the police because otherwise, he would have been dead. And so, he was wrongly arrested on a false affidavit and then wrongly accused of pointing his gun at the police officers.

And the story that most of us know about Meek Mill is that once Judge Brinkley, the African American female judge that he references in the song, Trauma locked him up, he was in a ten-year revolving door in between prison, parole, and the probation system. Wherein he was imprisoned for things like riding a motorcycle in New York City, for attending a concert out of State without telling the judge first.

And so, he was in and out of prison for ten years before finally an intervention allowed Meek Mill to be free. And so, the whole 'Free Meek' documentary describes his really horrifying interface with the policing that I've described, with the criminal justice system that Professor Clark has described.

And so, here's my question with that set up to you Deputy Prosecutor Conrad is, how on the front end, how can prosecutorial discretion first have impacted in Meek Mill's case specifically? And what can prosecutors do with their discretion today, to minimize the trauma that the criminal justice system and the policing puts on Black and brown people?

*Caleb Conrad:* Not pumping myself up here, but prosecutors are probably the most powerful actor in the criminal justice game. We decide whether to charge defendants, what to charge them with, whether they stay locked up, whether they go home to their families, whether we stack charges and plea negotiations, and threaten them with longer sentences so they plea and don't go to a trial in front of a jury.

So, there's a lot that prosecutors can do to avoid mass incarceration. We don't have to charge on the front end. If policing, if they arrest somebody, they don't have to be charged. We look at the facts, we look at the criminal history, the danger that this person is to the community and we determine what our course of action is. But I think I'm sort of a radical.

The whole system, we've got to turn it upside down. What is community safety? I think that we need to redefine what these basic aspects are and what our goal is as to the criminal justice system. Judge Johnson says, I sort of have an agenda. I want the criminal justice system to look at research and to look at studies. And then reshape what we do to reflect the best practices.

I ask questions at my job that: 'Why do we do it this way? Why are these juveniles shackled when they come into the courtroom? Why are we setting high bonds for drug cases?' And the answer is, 'We've done it this way.' Right? And there's never anything that they say, 'Look the studies show that this works. This is going to make our community safer.'

So, I think, particularly in Meek Mill's case, he should have never been charged. There's a faulty affidavit. There was only one witness who now we

know lied on the stand. He should have never been charged. He was also jailed with a high bond and wasn't able to go home to his family.

We have this idea of our justice system as innocent till proven guilty. Yet there are millions of people across this country right now in jail simply because they're poor and they can't afford a bond. And so, I think that we obviously, on this panel and hopefully many watching, we are aware that our criminal justice system is based on punishment.

And we have this idea in our head that if you're walking down the street with a cigarette, you can't be searched. Right? Our constitution says there's no probable cause, there's no reasonable suspicion. But if in that cigarette, instead of tobacco there's another plant - marijuana. You can not only be searched but you can also be shackled in chains and locked away from your family, and you don't see your children. And then they don't see you. We need to reshape everything about this.

Particularly prosecutors, we need to charge in a way that really protects the community. And we need to not threaten defendants with long sentences and plea negotiations. We need to do what's best for the community. And I think, as far as Meek Mill goes, he wasn't a threat to the community, lies locked him up. His financial position kept him there and then as you said, Professor Cummings, he was kept in this revolving door of probation.

And by the way, prosecutors would have to file a petition to revoke his probation. And so, they could have said, 'He was riding on a motorcycle? Why is this on my desk?' And so, there's a lot that we can do, personally, as prosecutors to rectify the system.

*Professor Cummings:* Excellent. Thank you so much, Deputy Prosecutor Conrad. So, I want to thank the audience for the great questions and comments that are coming in chat and in the Q and A. We're going to jump into those now. And thankfully we have a good thirty minutes to get into these conversations. The first one, Professor Clark, I believe belongs in your court.

This comes from the chat and Jamie or Halie Noicely. Thank you for making it. She says, 'How can we address the public health crisis when many Black people don't even see it that way? These same traumas are passed down in many subtle ways, as well the dark dramatic ways discussed. Frankly, the trauma has become a generational curse. But with that recognition of that truth by Black people, let alone white people, how can we even go about fixing this issue?'

*Professor Clark:* Listen. The question is so profound because that's the exact - Judge Johnson can you pull up that - the list of the ACEs so I can talk about that exact question? Because I'm going to tell you about my own experience. It said, 'Did a parent or adult in your home ever hit, beat, kick, or physically hurt you in a way?' and so I'm like, 'Yeah. I whoop my son as so, how the heck is that an adverse childhood experience? Like that's part of the like spare the rod spoil the child. Right? So, I believe in spanking. I mean that was a fun. - I didn't get them a lot, but my son did, because he just did'-

*Professor cummings:* I feel like I should mention at this point that Professor Clark's son just graduated from Morehouse College so.

*Professor Clark:* He did!

*Professor cummings:* Professor Clark's beatings apparently didn't lead him into an adverse childhood experience.

*Professor Clark:* It did not, right? It worked. And then sometimes the insults. I think there is a balance. Like where do those things come from? Is it from a place of love? So, sometimes it's like - I love the question because it's like, how do we think about these things? How do they impact the Black community?

Because certain things that happen in the Black community and it's kind of hard to see these as damaging. And I would suggest that part of it becomes an education component for - and I'm not saying this is true among all Black people. That's not what I'm saying. But in the communities from which I originate, I can respect and appreciate the question because many - as the question was highlighted - many of these things are not perceived as adverse childhood experiences.

And I think the first thing is that it has to start with the discussion. And the one place that you could start with in terms of a discussion is that the statistics do not lie.

So, regardless of what you think about a situation when you hear these statistics that the more have and take about this 'Dose effect' that Judge Johnson was mentioning, the more experiences you have, the more negative health outcomes you have, that is a real statistic. And so, I think it's important to bring people into the full-into having that conversation.

We're not trying to change the way that you think about - We're not trying to change sort of your ultimate outcome for your child, to ensure that your child is a responsible member of the society, that's a responsible member of the community and interacts appropriately. That's not what we're trying to change, but there might be a way of doing it better.

And I think it's important especially as a parent to understand that when you are a parent you constantly want to work to be better. Just because your parents did it to you, and their grandparents did it to them doesn't mean that that's the most viable way of going forward. And especially if that's putting your children behind other children in peering them from competing.

So, I think there's an educational component that comes into it. And I think the best way to educate is through the statistics. Because again the statistics do not lie. So, I love the question and I wish we can have the chat because I would love to go back and forth with you. But in this form in it doesn't really allow for that, and I'd be happy to hear. Judge Johnson, I think you want to jump in because I see you down there. Judge Johnson?

*Judge Johnson:* Yeah. Yeah. I mean I've just dropped the link in the chat about a really interesting and perhaps groundbreaking model. Lorenzo Lewis,

who is here in Arkansas and was incarcerated as a juvenile and has experienced a lot of trauma in his life, and he had an encounter with his juvenile judge that provided him some support and gave him the motivation to turn things around.

And so now he's started this project, it's called 'The Confess Project,' where he's training barbers in Black communities to talk to people who are coming - I mean you've got to meet people where they are. And so I just dropped a link in that. It's from Men's Health, and if anyone is interested in reading about Lorenzo Lewis' work, I think that is an interesting model that has some promise for getting into that.

*Professor Cummings:* This next question goes to Deputy Prosecutor Conrad and maybe Judge Johnson. This is from Lucia Scadamacia. Thank you for this great question. 'How do we help with the root of the problem? Is policing the root? Or is the breaking down of a family which then affects the child?' Caleb, you want to take a crack at that first, and maybe Amy jump in?

*Caleb Conrad:* Yeah, it's a great question, and its sort of which comes first? I think that we have a history. You want to talk about the war on drugs, and prosecutorial practices that locked away Black men and women for years for crimes that white people have not been locked away for. And the criminal justice system has largely assisted in breaking down families, is my point.

I think that in finding the root of the problem, like I said, the whole system needs to change. Right? We can change components. I think it's cultural, I think it's historical. But as far the criminal justice system goes, we've got to be training people in best practices, right? That read articles like ours and the research we've been doing. You know, like Dre said in the beginning, his brother was a police officer.

I work with police officers every single day, and I know that they want to protect their community, they want to go home safe to their family and they want our community to be a safer place. And it's not what's in their mind all the time, other than implicit Black bias, but it's training. What is going to make our community safer?

So, I think the criminal justice system has to answer for assisting and breaking down families and weakening communities, and how we cannot do that in the future. But also, policing itself and training and how we police those communities needs to change as well.

*Judge Johnson:* Yeah, and I can jump in as well. There are deep-seated systemic issues that I think also contribute to this, and that are internal to the justice system and to the way that we fund our justice system. And budgets are moral documents, and our court system is grossly underfunded, and we rely - Our justice systems from the municipal level all the way up rely on fines and fees, and LFO's, the legal financial obligations, that we are piling onto people, that are creating cycles of debt that folks cannot get out of, that end up limiting people's opportunities to get housing and credit and student loans and other things that might hedge against what we're doing.

And so, we fund our criminal justice system in a way that creates a lot of this trauma, by creating these cycles of debt for folks. And so, I think that that is a systemic thing that needs to be looked at and that we need to change. That is one of the roots causes I think of this.

I mean just look at what happened in Ferguson and when the Department of Justice came in and did their study and they found that there were more warrants issued than there were people in Ferguson. I mean something is freaking wrong if that is the way we are funding our Justice system. And so, that's got to be a major piece of it.

*Professor cummings:* Thank you Caleb and thank you, Amy. I'm going to take a crack at the next question. But I would add to Caleb's and Amy's comments here, that I believe that we need to change, reform fundamentally how we hire police, and we need to fundamentally change the job of policing.

Police aren't trained in mental health interventions. Police are barely trained in the escalation, so much as what my brother shared with me, police training is about 'Double-tap to center mass,' Like pull your gun put and shoot to kill if you need to so that you survive not the defendant. And that training pervades so much of the police academy in this day today.

I think that we should have a system where sexists, homophobes, racists, should not apply and should never be hired. And we have tools at our disposal to figure out people that are applying to be police whether they are racist, sexist, homophobic, etcetera, where we could really reform the way, we hire policing, and then we reform the way we train policing.

So, here's the next question. It's really deep and I'm going to go deep, I'm gonna take a crack at this first before the other panelists because it's such a deep question. This comes from Sarah Thelemaque. 'We are in the day and age of social media and as such we are all able to live through the witnesses' experience of George Floyd's killing. Considering the recent events surrounding the African American community, would you classify that sort of secondhand experience as an ACE to the Black community at large watching from home?'

Sarah, I want to be really clear about this one. When our article pops on the St. Thomas Law Review, pick it up because we actually talk about this and Judge Johnson actually gets deeply into the way that trauma is actually inflicted on the Black community through the viewing, the simple viewing of these murders of African Americans, and here's where I want to go deep.

I understand the white privilege that I am imbued with as a white male in this society. My heart breaks when I watched George Floyd's life being choked out of him, but I am not a Black man or a Black woman. That trauma that hits me in a small way hits African Americans in a significant way because it is a Black life being choked out.

Where the police are simply saying - and we talk about this in our article as well - 'We will treat you with impunity and you do nothing about it.' Think about all of those witnesses that were yelling to check his pulse, to let him live,

and the helplessness and the message that that provides to Black citizens in the United States. And as I told my class the other day, we as a country owe our Black and brown citizens better than what you've received. We owe you better. You should have safety and security in this country just like I feel.

So, that's what drives us in this conversation, that's why we're writing this article, that's why the four of us here at the crack of dawn with all of you, talking about really important issues because at the end of the day it's not just sharing this knowledge. We have to be activists. We literally have to put our boots on the ground and change the way this is happening.

So, we need to be activist scholars. All of you that are law students out there, if this is meaningful to you, you have to decide you want your career to be about making this right. Because the trauma that an African American or a Latinx person feels when a member of their community, on video, is life is snapped out of them is a trauma, which is why we argue in our article that policing and the criminal justice system should be new categories of ACEs, because they are so pervasive in the eyes of Black and brown people in the United States. And we as the legal community have got to be the responder. We have got to be the responders. Okay, Todd or Amy or Caleb if you want to jump in?

*Caleb Conrad:* I just want to jump in really quickly, because I think Sarah's question about secondhand ACEs. I think another aspect of this other than watching a viral video of an unarmed Black man being gunned down in the street by law enforcement over and over again on the news. And that study is in our article as Professor Cummings mentioned.

Also, I think when a Black man is arrested for something that he maybe didn't do. We don't see that as an ACE on its face, right? He's thirty-five, forty years old. But he has kids, and his kids experience an ACE because their parent just went to the pin.

When Jacob Blake was shot in the back going into his car, his two sons, toddlers, were in the back of the car. That's an ACE, a huge ACE for those kids. And so, I think even in the broader view of criminal justice, these inequities are ACEs because of the secondhand, the onlookers, the kids that are impacted in the community. So, I just wanted to point that out.

*Judge Johnson:* And I'd say, too, as the mother of three girls I have, my oldest is thirteen, I will never have to have the talk with her about what she needs to do if she's ever pulled over by a police officer so that she does not get killed. And I can only imagine what it feels like as a parent to see these videos and to worry. I mean you're doing your best to tell your kids about how not to get killed and hope that they come home, and that is just not a worry that those of us who are white and don't have that lived experience have to deal with.

So, seeing these over and over again on social media and seeing these viral videos when you're doing everything you can to keep your kids safe I think it inflicts a level of stress and really terror in worrying about whether your teenage

son or daughter is going to come home. And that is not an experience that Black Americans should have to have.

*Professor Clark:* And I'll piggyback off of that. I like the question because it really challenges our work in some ways. Right? Because if you remember the scope our work is on 'Adverse Childhood experience' with 'C'. I'll circle 'C' because it's the childhood experience.

So, let's assume my response or reaction to civil unrest or atrocities committed towards Blacks. Clearly, that's conserved as an adverse experience, but it wouldn't serve as an adverse childhood experience and so it's kind of interesting. Now, could that have an impact on my life? Yeah. I mean if you're talking about the stresses that you experience in general.

Going back to the bear example that Judge Johnson mentioned. It's interesting. I might even through that out to my panelists. How do we have to have to conceptualize the delineating, the types of adverse experiences versus the adverse childhood experience because there could be some overlap? Right? If the parent experiences it, the parent passes it down to the child and in some way, it manifests itself. Then it fits in line with exactly what we're talking about. But I'd be interested to hear what your guys have to say about that.

*Judge Johnson:* Yeah. I mean I think with the childhood experiences, the biology is different. When a child experiences the trauma versus when an adult experience it just because there's that critical window of development when the dis-regulated stress response brought about by ACEs permanently changes the biology of a child's brain and organs, such that we do end up with a situation with that child when they grow up have a shorter life expectancy and are significantly more likely to develop one of the leading causes of death in the country.

But I think when it comes to adults experiencing - I mean it is still trauma when you experience as an adult. I mean adults come away from these experiences with Post-Traumatic Stress Disorder, and I think if they have families and have children - those experiences are being shared.

And children who indirectly experience that through what their parents have encountered are taught to fear for their lives when they encounter police and are already going to be, I think, biologically predisposed when they see a police officer, knowing what has happened to a parent or an older brother or an aunt.

They're going to be predisposed to be fearful and to have an overactive stress response when they have a police encounter, to begin with. So, I think that that's an example of where- I mean even though there is a delineation, there is a spillover.

*Professor Cummings:* So, shout out from Little Rock with two attendees from Little Rock. Questions from Amanda Frudensprung and Audrey Webber. Question one, I think this can go to any of the panelists from Audrey. 'I was wondering if you've encountered in the course of your research or have taught

about intersectionality of gender, sexuality and Black trauma and how these affect the child's ACEs?'

And then I'll piggyback on that to Deputy Prosecutor Conrad and Judge Johnson. 'What do you feel are the most urgently needed reforms in your field?' Maybe you can take a crack at the intersectionality and sexuality, Judge Johnson? And then Caleb maybe you could talk about some of the reforms that you think are realistically feasible and sort of, to piggyback on that, another question is, 'Where do we start?'

*Judge Johnson:* I think intersectionality is an area that I think that is ripe for research. I mean that is not - I mean at least from a standpoint of ACEs that are specific to the criminal justice system that's not really been looked at or researched. And so that's something to be researched. But I think that it's an obvious area to look at. Right? Because transgender folks, queer folks, people who are gay are also disproportionately likely to have negative police encounters.

So, if you have a Trans woman who is pulled over by the police, I mean I think it multiplies the effect because I think they're going to be fearful not just because of their race, but because they are a sexual minority and who has traditionally been in different ways subject to discrimination and to trauma from that standpoint.

So, I think that's an area that needs to be researched and looked at very carefully because I think that it's obvious that's a thing and I think having some data on that and figuring it out, I mean because we need to find a way to address that too.

*Professor Cummings:* And let me just interject Caleb before you go, that the reason that we wrote this article is because this is an unexplored area. We are the first to talk about the fact that the mental or the healthcare community just hasn't done a very good job. They've done a great job identifying ACEs and not a very good job of sort of differentiating the ACEs that have suffered in minority communities.

So, Judge Johnson saying more research needs to be done, this is the first of what I think is the many [collabos] between the four of us, on future interventions and intersectionality will probably be one of our next steps. Caleb, do you want to take a crack at the reform?

*Caleb Conrad:* Sure, yeah. First of all, I've been seeing some questions from law students, right? And we've come here today to talk about a big problem. And I think a very natural question is, 'What can we do? How do we start?' And by the way this goes for viewers that are not in law school. But step one is being here, being a part of this conversation, and St. Thomas thank you so much for letting this happen. But being informed and then getting out in the legal community and doing what you can with this knowledge, and with these feelings in whatever role you choose to play.

I show up to work every day and sometimes I'm kind of beaten down by the system. But I'm thankful that I'm there because it could be someone that

doesn't feel this way about the system. So, that's number one: get involved and let your passion led you to make change.

But as far as prosecutors go, I think that there's some concrete things we can do right now, today. Number one: my boss, the elected prosecutor could say, he could hold a press conference this afternoon and say, 'We are no longer prosecuting possession of marijuana in this jurisdiction.' And then we won't. That's it. He could do that today. He could also establish a conviction integration unit today. I'm not picking my boss here, but he could establish a conviction integrity unit, which is a unit within the office that looks over old cases to make sure the conviction was solid, was right.

And I think prosecutorial culture needs to change, and this change is by electing new prosecutors that have this knowledge. Kim Foxx in Chicago says, 'You don't know what you can't quantify.' And she's released data from her felony charges from her office, and she's realized that her office was spending a lot of time charging felony shoplifting, which in Illinois was \$350 or more. So, she stopped doing that. She's like we have a lot of violent crime here, we need to be putting our resources where our problems are.

And so, I think letting the data speak, as Professor Clark said, statistics don't lie. And I think by changing prosecutorial culture by saying- 'We're not here to be punitive. We're not here to punish. We're here to keep our community safe.' And how can we do that? What does that look like?

I think that those are things today that could happen, is making those changes. And I urge everybody if you're a law student: run for DA. If you're not a law student, work for a candidate for District Attorney or the elected prosecutor that you believe in. And that shares your values. Because a lot of the general public, a lot of District Attorneys are elected, 85% in the country run unopposed.

We can elect people that agree with us and then see these issues, that will start making the changes immediately.

*Professor Clark:* Can I piggyback off of Caleb's point real quick Professor Cummings?

*Professor Cummings:* Before you do Todd, Amy do you mind taking the screen share down, please?

*Judge Johnson:* Yep. You bet.

*Professor Cummings:* Thanks. Go ahead Todd.

*Professor Clark:* Thank you. Caleb that was a really strong point, an excellent solution. I might even add one more to the list, Caleb, because I think we have to redefine the way we determine whether justice has been served. And let me give you a quick explanation of what I mean. Let's assume that you have a young person, a young African American male that is wrongfully arrested right? The bail is arbitrarily high, but ultimately that African American is determined to be not guilty and released back out into the world.

I think that there is some conceptualization that because justice was administered from a procedural perspective, that justice has been served. But that completely eliminates and it doesn't take into consideration that there has been a very real trauma that will impact the way that that young man sees the world. Right?

The way that they interact and the way that they observe the spaces around them. And I think that part of the criminal justice system or part of our system of justice needs to recognize those impacts. And I think that that could be a big step in helping us move forward, that the resolution and the impact goes far beyond just the decisions in the case or the decision with respect to that particular defendant.

*Professor cummings:* Thank you all. And we have one final question believe it or not. And then I wanted to give one minute to each panelist to give a concluding thought. So, here's the last question. It's a tough one and I want us all to try our best to address it. This comes from Daniella Capote: 'Considering abolitionists believe the criminal justice system is so broken that it cannot be fixed and must be dismantled, do you address that position in your article? And do you believe integrating this awareness of childhood trauma is going to be enough to fix a broken system?' Let's see. Let's go with Professor Clark first. Then I'll take a crack at it and then we'll conclude.

*Professor Clark:* I think I've had you as a student. I think that's a great question. I would say- I'm going to go to the back end of your question which is, if we sort of think about these adverse childhood experiences or of the Black experience as an adverse childhood experience, will that be enough to fix the problem? Absolutely not. And I don't think that any of the people on the panel or any of you out there listening thinks that that will fix the problem. But I do think that's a start.

I think it's a start to have this conversation. I think it's a start to getting the justice system to think differently. I think it's a start to getting prosecutors to think differently and to think just beyond the charging and understanding that this has an impact beyond that.

So, I would say that it's a start in moving in the right direction. Just like the Black Lives Matter movement was a profound start to moving our society forward. Now, obviously, we aren't there yet but that movement was very critical. And really, if you think about it, it underlies the whole conversation that we're having today.

I think that institutions that have been predominantly white institutions that have been resistant to hearing about these concerns, the Black Lives Movement bought it together in a very, very profound way. And I think that it's a start and I think that's why we're here in our research in bringing this issue to you in the context of this symposium.

*Professor cummings:* Caleb?

*Caleb Conrad:* Yeah, I absolutely agree with Professor Clark. And I think that this is a conversation that has to be ongoing. There are so many things we didn't get to hear today, right? An hour and a half went by really quickly. I'm willing to give my email in the chat and we need to continue this conversation and continue these discussions outside of this place.

This is a starting point. And I think with the criminal justice system, if this article does one thing, and it inspires the people within the system to go- 'You know what? We do cause trauma. We do inflict unnecessary trauma on children of color. And what can we do to change it?' I think just admitting it, and we all start on the same playing field, and we can go from there.

We do propose some solutions in our article, but we need to bring awareness to this. So, I think this conversation has been great.

*Professor cummings:* Amy?

*Judge Johnson:* So, I agree. I think that this really is a starting point and there's so much to this. I want to acknowledge too, and I've seen some of the questions in the chat that I know we've not gotten to that deal with sort of the-it's a positive thing to recognize that ACEs exist and to recognize the implications for the changes that need to be made. But are there ways that ACEs could be misused? Are there ways where we end up stigmatizing people with ACEs labels?

And I'm hearing in those comments an admonishment and an urging to really be thinking affirmatively about how we use this research in really advanced ways to get at the problems and address them and not create additional stigma. I mean, this needs to be a 'Do no harm situation.' This needs to be an up-ending of some of these structures and recognizing that it is going to take not just the medical community, but the justice system really looking inward. And whether we ultimately end up looking to abolition

It's all on the table, and I really appreciate that - we didn't even get to half of all of the thoughtful questions today. I'm really excited by the energy around this and feel like we've got a lot more work to do and I hope that each of you and by participating in this today, that this will give you some spark of an idea. And give you the inspiration to look at what you can do to help be a part of addressing this.

*Professor cummings:* Thank you, everybody, so much. I'm going to give each panelist thirty seconds to conclude. I want to express gratitude to all 265 of you that are here, to the St. Thomas Law Review. Todd, thirty seconds.

*Professor Clark:* Just want to quickly thank the Law Review for giving us this opportunity. And again, this is always something that is always near and dear and special to me when I have an opportunity to talk about Black culture. That's what hip-hop is. In an intellectual capacity, I think that's important for our minority students, for our African American students, for our students of color, to be able to walk into an academic environment and see themselves in the curriculum, see themselves in the context of the intellectual discussion.

That is a very welcoming experience, and so that is exciting for me. I thank the Law Review again for providing the space and Dr. Tibbs, as well as the dean of our law school.

*Professor cummings:* Caleb?

*Caleb Conrad:* Yeah. Thank you to everybody for allowing us to be here. I just want to say that a year ago today, I was a law school student. And a lot can change in a year, especially this crazy year. But I've been able already in my role as a deputy prosecutor to make small changes within this bigger system. And like I said some days I get beaten down, but I know what we're working towards and just know when you graduate law school you can make big changes. You can do it. And I'm always open to hear from you all to answer any question. and to engage in this conversation.

*Professor cummings:* Amy?

*Judge Johnson:* And you can make big changes not just when you graduate from law school, but be a lawyer for a while, get some experience and run for office. Right now, the bench and our prosecuting attorneys are overwhelmingly white. Overwhelmingly white men, and we need to look at diversifying the bench and the Bar and prosecuting attorneys. And so, I would strongly encourage you all. I mean if you were moved by this today to do something, to consider running for office or finding that candidate who's going to do, who's got the political will to make change happen to support them.

*Professor cummings:* I want to remind everyone that Bryan Stevenson, the master philosopher of 'Just Mercy' and one of the most inspirational lawyers of our generation was a law student twenty years ago. And he didn't know what he wanted to do. All of his mates were going onto Wall Street and he's like, 'That's not me.'

He got into a car and drove down to Alabama, of all places, and decided that he was going to try to put a stop to the non-representation of death row inmates in Alabama. And he has enormously changed the conversation. He's cleared 137 death row inmates that were wrongfully incarcerated.

And so, my final message is this: we have the power within us. We literally can make change happen if we decide that's what we want our careers and our lives to be about. Dismantling a broken system requires lots of work and lots of us, but we can do it. I'm confident that this is the first step in a direction that can literally change the lives of Black and brown people throughout the United States.

So with that, thank you everybody. Please, we're going to take a three-minute break. Stay tuned for the next very dynamic panel featuring Dr. Tryon Woods and Dr. Donald Tibbs. And with that, we'll turn it back to you, Daniel. With great thanks for providing us this forum.

*Judge Johnson:* Thank you.

*Daniel Gabuardi:* Thank you, Professor cummings, thank you, panelists. It was a very insightful conversation. Like Professor cummings said we're going

to shorten our break a little bit to a two-minute break. We're running a little bit late behind schedule. Please stay online. The next panelist is very interactive and very enlightening. So, please stay on, we'll take a two-minute break now. Thank you.

*Break from [1:32:47] to [1:37:13]*

*Daniel Gabuardi:* We're going to wait for a few more moments, and we're going to wait for Professor cummings to log back in and we'll get started with the next panel.

*Break continues from [1:37:19] to [1:37:33]*

## PANEL 2

*Daniel Gabuardi:* Alrighty. Thank you, everyone. I would now like to introduce our second panel: Dr. Tryon Woods, author of 'Where it is least visible; Public health policing and the question of abolition,' and Dr. Donald Tibbs, author of 'From TikTok to Racial Violence: Anti-Blackness and the Gender Sphere.' Professor cummings, take it away.

*Professor cummings:* Welcome back everybody and thank you so much for being here today. And I want to particularly thank Dr. Tryon Woods and Dr. Donald Tibbs for their terrific papers and their work today. Dr. Tibbs, I often say, has more degrees than almost anyone that I know. Four, five degrees maybe. Ranging from bachelor's degrees through Doctorate degrees. He was a fellow at the university. He was a constant where he earned an LLM, earned a J.D. as well his Ph.D. from Arizona State University.

And as all of you probably know, or many of you do at least - is a full professor at St. Thomas University School of Law, where he is the faculty advisor to the Law Review and was instrumental in helping bring many of us together for this great event today.

Dr. Tryon Woods is a professor at the University of Massachusetts Dartmouth. Probably rivals Dr. Donald Tibbs in the number of degrees that he has earned. He might be shy by one because I don't think Dr. Woods has a J.D. But otherwise has his Ph.D., and I believe they were colleagues at Arizona State University as well. And they've both written very compelling papers as well. And Dr. Woods is going to kick us off today by talking about COVID and policing. And Dr. Tibbs will follow that with a conversation today about White women's role in the perpetuation of violence against African American males. So Dr. Woods, the floor is now yours.

*Dr. Tryon Woods:* Great. Thank you, Dre. I am going to share my screen real quick so we can see a few slides. All right, so first thank you to the entire Law Review staff for putting on this event, for the invitation to be here. To Dean

Lawson for hosting this, for the opportunity to work with her excellent faculty and students. And of course, to Dr. Tibbs for inviting me, for being my compadre and collaborator for so long. And Professor Cummings for collaborating on this panel.

So, the first thing I'm going to note is that there's going to be some slides that have citations because I'm going to talk about some of the science behind COVID. And you probably won't be able to track the citations as quickly as I'll have to run through the slides given a short amount of time. So, feel free to follow up with me about those citations. Of course, everything will be in the Law Review article.

So, this is the outline of the article that will be appearing in the Law Review. And I won't be able to talk about most of it. So, I'll just draw your attention to a few of the different twists and turns of my argument so that we could either follow up later during question and answer or later through correspondence.

Now the thing that I have focused on in my article and I've tried to develop, and that I'm going to try to draw attention to here through the COVID situation is that power is most effective where it's least visible. And this goes for policing. So, policing is a spectacle of state power that is as bad as it advertises on itself. And we have this advertisement playing out right now for us in Minneapolis. And the State there is trying to turn one officer into a bad apple and make him an exception to the rule. This is incorrect, and what Chauvin... what Officer Chauvin did was routine even if the particular staging of it - of his particular methods were somewhat uncommon.

So, we've been here before with policing and we'll be here again very shortly, unfortunately. The reason why this State violence continues unabated is because there is a police power that is more fundamental than Law enforcement. That literally creates law enforcement as its appendage. So, despite what they are constantly telling us, the cops are not on the frontlines. They're just the back-ups. Their job is to back up the police power, organize, to comprehensively reproduce an anti-Black society in all arenas.

So, this is why the police are not accountable to the law. The police power precedes the law, and as spectacles of policing like Chauvin and Minneapolis. As outrageous and lethal and destructive and catastrophic as they are for the Black community, are meant to draw the public's attention away from how the police power works in other areas to achieve social control.

So, this panel is interested in some of these other areas of the police power. And we're going to have to spend quite a bit of time filling out what that police power force should look like. So, this is not comprehensive. The police are bad enough and there has been volumes and volumes written and spoken on this. Including by my illustrious colleagues at the symposium.

What Dr. Tibbs and I are going to try to draw your attention to for a moment is those aspects of the police power that do not directly involve the police but serve as a basis for how oppression is organized in this society.

So, Dr. Tibbs will examine how race, gender, and sexuality are essential to the police power. And I'm going to focus on how COVID-19 reveals the police power in public health and medical science. So, in a short time, that's a lot to me, and I might go over a little bit. So, forgive me ahead of time.

I want to focus on the law, how the law pertains to the COVID-19 situation. Now Anthony Fauci has repeatedly said that there will be no federal mandatory COVID-19 vaccination program. Fauci is being disingenuous here. Yes, the federal government need not decree the vaccine mandatory in order for it to become effectively compulsory in people's lives. Already public-school districts and universities have begun to announce that the students will need to be vaccinated in order to attend class in the fall. And you can expect similar requirements for the workplace, child care, entertainment, and participation in the public sphere.

Based on my research in the scientific literature and in the law, I believe this is a very bad idea medically, and therefore legally I would argue that it is unconstitutional. But before examining the law we have to understand what's at stake in compulsory COVID-19 vaccinations. We need to better understand whether or not vaccination is even necessary at this time, and what exactly a vaccine is.

So, because compulsory vaccination means that the State is preempting individuals or individual parents' sovereignty over their own bodies, or those of their dependent children, it's generally seen by the courts as a significant burden on liberty. And the court says, "This audience knows better than most," usually apply strict scrutiny when evaluating such vaccination laws. Strict scrutiny means of course that the burden is on the State to prove that there is no less restrictable alternative to vaccination for achieving its public health goals. In the case of COVID-19, I would argue that the evidence clearly shows there are ample alternatives to compulsory vaccination that are far less harmful and costly.

So, the main reason why compulsory vaccination would be unconstitutional is because it's not medically necessary. And secondly, that the vaccination poses its own harms, and therefore cannot possibly be the least restrictive public health option. We'll run through a number of supporting points for this, and this is where the science comes in. And I apologize I have to run through this somewhat quickly.

So, it begins with the test. The PCR test, and this information is widely available now, is what people are probably fairly familiar with this, so I apologize if I'm telling you something you're already familiar with. But the PCR test exaggerates the prevalence of the disease because it amplifies the fact of presence of virus DNA. The way it works is that it amplifies it through the cycle thresholds.

A cycle threshold of twenty-five, seventy-five percent of positive cases are not actually cases because the virus is dead. It can't be cultured i.e., there is no risk of contagion. Most of the PCR testing however is done at a cycle threshold greater than thirty. Which means that percentage of dead viruses is even higher. More likely to get a false positive even greater.

This graph which I know most people will not be able to see. Again, you can follow up with me for the citation on this. But all you need is the visual, and the far right of your screen is the thirty-seven-cycle threshold. Right? It's the highest cycle threshold. As you move to the left, you move down in cycle threshold. When you don't get to the presence of viral DNA, a fraction of live culture DNA which is the red R's. Until you get down to thirty-four-cycle threshold. What happens is that as you go up in cycle threshold, you get decreasing returns on your live culture and increasing returns on your false positives.

What this means is that positive results are treated as cases whether or not people are sick or not. This is unprecedented. Never before COVID has anyone done this. Medicine usually treats a case of someone who is ill not someone who simply has a lab result. Now if PCR can produce a COVID-19 case without live virus illness then we're seeing deaths without causation.

And here's a quote from the Director of Illinois Public Health on April 20th, 2020, which I think is remarkable. She said, 'IF you were in hospice and had already been given a few weeks to live, and then you were also found to have COVID, that would be accounted as a COVID death.'

It means, technically even if you died of a clear alternate cause, but you had COVID at the time, it is still listed as a COVID death. So, everyone who is listed as a COVID death does not mean that that was the cause of death but simply that they had COVID at the time of death. So, statements such as these - for all you lawyers and budding lawyers - statements such as these by public health officials are remarkable admissions of fraud behind this pandemic.

The fourth reason is that research studies have now established that at least thirty percent of our population already had immunological recognition of this new virus before it even arrived. In other words, COVID-19 may be new, but coronaviruses are not. With at least four well-characterized family members which are endemic and cause some of the common colds we experience.

Cross immunity in this case, and it means that our immune systems memorize pieces of whatever virus we are exposed to, so if the right cell types can multiply and protect us if we get a related infection. The existence of this cellular memory is why the maintenance of antibodies to every pathogen to which we have been exposed is unnecessary for an effective immune response. And hence why getting vaccinated against every new virus is both redundant and harmful to the body's immune system. And it's also why we have so many false-positive PCR results.

Fifth, scientists have been able to explain why it is that children appear to be the least affected by the virus. In order to do us harm, the viruses need to penetrate into our cells, and in order to do that, they have to utilize receptors on the outside of the cells. In the case of COVID-19 the key receptor is an enzyme called ACE2.

It turns out that the levels of ACE2 are highest in adults, and much lower in children. With the levels becoming progressively lower, the younger the child. This is why it is highly unlikely for children to be vectors of disease, despite the paranoia, fearmongering, and scapegoating of young people putting their more vulnerable elders at risk. It's also why compulsory vaccination of children for COVID-19 will be medically unnecessary and therefore unconstitutional.

Since, the most up-to-date study of the infection mortality rate, or the IMR or the rate in which people who are infected with COVID-19 die, was published by the World Health Organization in late 2020, which shows that the medium IMR for people under the age seventy is only zero-point zero five percent. This means that ninety-nine point nine-five of the people infected with COVID-19 do not die.

So, how does this compare? Because then again of course our tragedies. The latest figures from the CDC from influenza season 2016/2017 in the US show that an IMR between point one and point two percent. Which is double the IMR for COVID-19. And when we compare it to the rate of Tuberculosis which is the number one infectious disease and the number one infectious disease killer in the world. The IMR for tuberculosis is three percent, dwarfing that with that of COVID-19. But without any of the conventional outcry, shutdowns, and paranoia that we've seen with COVID.

And then finally, treatment. Hydroxychloroquine, azithromycin, and zinc, and then there are a few other therapies that have long been proving as effective and inexpensive therapies for treating auto-immune diseases and viral infections that affect the respiratory system. A 2005 study funded by Fauci's own NIAID found Hydroxychloroquine to be an effective inhibitor of SARS coronavirus infection spread. There's a website that you can check out that tracks globally all of the treatment studies around this issue.

So, this is why a COVID-19 vaccine would be unnecessary and therefore should not pass constitution muster or strict scrutiny. Now, the second reason why compulsory vaccination should be unconstitutional is because of the potential harmful effects of vaccination itself.

Now, vaccination was a polarizing issue long before COVID -19, and nothing has polarized people more than COVID-19. And there are lots of reasons for that. Having everything to do with race and class, struggles overpower which we can get more into. But it's important to separate the sidestep that hysteria and focus on medical science.

First, all vaccines introduced elements that would not otherwise be entering the human body. 2008 study, now this was before COVID-19, by an Italian lab

reveals the following ingredients. They studied the GlaxoSmithKline vaccine for Measles, Mumps and Rubella, and Varicella. I'm going to read from the lab report, 'We have continued investigation both chemical and biological on the prior x tetra-quadrivalent against measles, rubella, mumps, and varicella. We found proteobacteria, nematode worms, ten other viruses through RNA, and numerous retroviruses including endogenous human and Avian retroviruses, Avian viruses, human immunodeficiency, and immune- deficiency of monkeys, Murine virus, which is mouse virus, course infectious anemia virus, lymphoproliferative disease virus, Rous Sarcoma virus, Alphaendornavirus, hepatitis B virus and yeast virus.'

All of this is just in your basic, run-in-the-middle MMR vaccine. Not a vaccine that's been copped from the market, but a rate basic MMR vaccine that our children get.

Now the reason why all that stuff, all that junk is there, is because all vaccines are made by passing the virus isolate through animal tissue in the lab in order to make it tolerable for the human body. Right? Because you don't want to introduce the virus in a way that will hurt the human body, just the point it's inoculated to it.

So, every vaccine is created by passing the virus through animal tissue in the lab. The problem with this is that any animal viruses in the tissue will also enter into the vaccine. And that what we saw with the list I just mentioned with respect to the MMR. This is the problem of xenotransplantation and xenotic disease. Xenotransplantation is the transplantation of animal tissues into humans and that it brings with it xenotic diseases. Animal diseases.

Scientists became aware of the dangers of xenotransplantation's early as the nineteen fifties. But vaccine development continued undeterred, and the polio vaccine perhaps is the most prominent and prolific disseminator of the animal viruses. For instance, HIV is derived from SIV, Simian immunodeficiency virus, and likely jumped from monkeys to humans in the lab during the polio vaccine campaigns in the Belgian-controlled Congo, from 1957 to 1960, in which hundreds of chimpanzees were slaughtered in order to harvest their cells to grow the polio vaccine.

In short, all vaccines involved a danger of xenotransplantation with a range of auto-immune dysfunctions, cancers, and other health problems associated with an out-of-tune immune system struggling to keep up with the plethora of animal viruses and toxins introduced from multiple vaccinations.

The negative consequences of vaccination therefore may not appear immediately, and this is critical. It's not that you go and get a vaccine shot and then the side effects immediately manifest themselves. They may manifest themselves the next time the immune system is challenged, by say a cold or another vaccine. Or even later down the road.

Okay, so that's the argument for why vaccination is unconstitutional. I'm going to stop there since I've used up most of my time probably. But we'll

hopefully revisit the question of how to apply the sort of prevailing law in this area. In vaccine law mainly in *Jacobsons v. Massachusetts* to this case. Thank you.

*Professor cummings*: Thank you, Dr. Woods. Dr. Tibbs? The time is now yours.

*Dr. Donald Tibbs*: Thank you, Dre, I really appreciate the opportunity and I'm so humbled and honored to be here today and to serve as a member of the St. Thomas University Community, and as a participant in an outstanding symposium on race and policing, sponsored by the St. Thomas Law Review.

I want to do some of the requisite shout-outs that should be done. I want to thank the Law Review editors and their membership. They are superstars; when asked to serve as their faculty advisor I jumped at the opportunity, and they have lived up to all of my expectations. They are a fantastic student-run organization, and this has been their entire show. It's outstanding and quite honestly, I know everyone thanks me but truly they deserve they deserve all of the accolades.

I also want to thank Dean Lawson for her support of the program, and her efforts to support her students as we organize this important event.

Also, thanks to my co-panelists, all of whom are my friends who did not hesitate to accept joining us for this important event. I barely got the ask out of my mouth before they were responding with a resounding yes. And finally, I want to thank all the students of St. Thomas and the larger community who have joined us for this event. It looks like by the last count we are over two hundred strong, and I'm really proud to see those kinds of numbers turn out for a virtual symposium.

As all of my co-panelists have described in my presentations. The impact in some or fashion on COVID-19 on racial and social consciousness during 2020, was traumatic. While much of the world was in social incapacitation, we passed the time by tuning into our televisions and social devices. The local and national news told stories of the rising number of deaths lost to the virus. Particularly hard hit were people of color and Black and brown communities.

Additionally, we witness Black lives being lost, specifically to the ongoing spectacle of anti-Black policing which is nothing new. While what's stark in contrast for me however was the immediacy at which anti-Black policing occurred as soon as we began to emerge from our respective homes.

Almost instantly, we witnessed George Floyd being murdered by Minneapolis police officer Derek Chauvin. We witnessed Breonna Taylor being murdered during an unconstitutional police raid of her home. We witnessed Ahmad Arbery being murdered while jogging through his neighborhood.

It felt like a slow re-opening of this country was signaling once again, an open season on Black life. To Black people, watching these murders continues the feeling of hopelessness, that trauma that many of us experience in this country. Despite promises that the true measure of our democracy occurs when the

country is of the people, by the people, and for the people. And still, white Americans wonder why Black Americans take a knee for social justice.

As some people Facebooked, others tweeted and Instagram-ed. I myself turned to the social media platform known as TikTok, which allows you to record a fifteen-second micro-video on your cellphone and share it with the world. For those who aren't aware of TikTok, you can find father-daughter dancing duets, artists playing the saxophone to hip-hop songs, and one of my favorites is a rancher farmer who freestyle raps while his cows and goats are in the background. And he's actually really good. I admit by watching these videos that I really learn to appreciate the true diversity of this nation. And I also learn that we are much more united than I originally believed.

While TikTok has many upsides, one downside is that the platform is controlled by algorithms. Simply, the more types of videos you watch or like, the more videos of that kind it sends you. And in that regards you find yourself going deep down a rabbit hole watching the same kinds of videos repeatedly. For me, what began as a fun attempt to watch people perform silly dance challenge - I somehow stumbled on a series of videos that were extremely alarming.

These videos captured random white women attempting to exert a privileged power over other adults. And then acting irrationally angry when they are re-buffed. In some instances, their outburst involved them threatening to call the police, to report someone who was recording their actions. In other instances, they actually called the police and reported that a Black person was violating the law.

As I watched a couple of these videos, I must have liked one. And TikTok's algorithm went to work. The platform showed me more and more until eventually I was trapped in a steady re-occurrence of these videos. And it was through these repeated videos that I began to understand what hashtag Karen TikTok meant. And so, this article was born.

After deeper inspection and I must admit a slight entry. I must admit I learned a lot about these new micro-video stars. First, I learned that 'Karen' is a nickname created by Black Twitter for a white woman captured in outlandishly childish behavior based on their whiteness. I learned that sometimes these interactions were completely innocuous. But other times they were an overt expression of white privilege and entitlement.

After few videos, a pattern revealed itself. These situations typically involved a white woman calling the police on a Black person or a person of color for doing something that was not, not only criminal but also legally and socially harmless. Further, they treated calling the police on Black people as not only normative but also as a civic duty. As if white people owe it to this country to personally police Black people, which is the paradigm that is deeply rooted in slavery.

As a critical race scholar of race and policing, particularly one who relies upon African American legal history to inform my understandings of

contemporary structural paradigms, I realize that the record of what was happening to Black people – particularly Black men when a white woman called the police – revealed a more serious non-comical side of this behavior.

These TikTok videos should not be disregarded as an innocuous random occurrence, because they are more. Indeed, they are much more. Instead, they should be seen for what they really are. Which is white women weaponizing their whiteness in a way that is gendered, racist, and from a legal perspective per se criminal.

I argue in my article that this is our post COVID moment. And we are not only witnessing a rise in white supremacy and white nationalism on a macro level, as exhibited by the January 6th raid on the US capitol, but we are also witnessing a rise in white supremacy and white nationalism on a micro-level. As exhibited by white women, weaponizing their race in ways that parallels and historical anti-Black white supremacy in the gender sphere. My article in this publication is in this upcoming journal. And my argument proceeds in four sections.

In section one, I begin with a historiography of the danger of white gendered racism to back life. Specifically focusing on when white women falsely accuse Black men of crimes. The seriousness of this provocative history is undisputed. It dates to the Reconstruction Era when Black people first emerged out of chattel slavery and began for the first time to freely occupy space with white Americans.

The discomfort associated with comingling race and space evolved into a racist fear that white women needed to be protected from Black male promiscuity and sexual violence. This often resulted in white women calling the police on Black men. Precisely and most often in the moment of having their consensual interracial relationships discovered. And when the police or the white supremacist police forces such as the KKK arrived, Black men were brutally beaten and lynched and the number of lynching deaths totaled into the thousands.

Over 4,700 Black men were lynched based on a belief that they had somehow had some unwanted and unwarranted contact with a white woman. This history is so profound that it has been the subject of movies, novels, songs, and even our own constitutional law.

In section two of the article, I use the case study of a white woman known as Amy Cooper who falsely accused a Black man Christian Cooper, no relation, of a crime by weaponizing her whiteness and using the privilege of her race to tacitly threaten Christian's life.

You might recall that Amy is the woman in Central Park who accused Christian of threatening her when he asked her to lease her dog in accordance with the local law. Her story is important not only because of the assertiveness of her actions which we are able to see thanks to social media. But because they

connect, the anti-Black racism of our historical past to our contemporary present.

By taking a deep dive into the narrative of that unbelievable moment, I argue that we should see her actions for what they really are: contemporary racial violence. And see her for who she really is: a racist white woman who weaponized her race and gender without compunction to put an innocent Black man in harm's way of the criminal justice system, which we all know shows no favor towards Black people.

That section also dissects her actions that is a set of specific acts that you see repeated again and again by white women who routinely call the police on Black people. I call it 'A white woman's anti-Black racist playbook'. Where white woman one, activate their racist fear of Black people sometimes consciously, other times unconsciously. Second, they call the police to instill Black fear and compliance, thereby using the police as their personal security force.

Third, they then report non-criminal behavior as if it is criminal. We're talking barbecues, selling water, reading the Bible, walking their children in predominantly white neighborhoods and the list goes on. And then finally when confronted, they use tears and hysteria to make themselves the victim.

I concluded my article with a brief discussion of some of the legal solutions that have been enacted to deter and punish this behavior. I could use my conclusion, not to say the law can fix the very problem that it created, which is the stereotype of Black people as criminal because the law can't. Simply, you can't be both the problem and the solution unless you are willing to openly accept and recant that when it comes to Black life, law, law enforcement, and policing remains a problem for Black existence. However, some states have begun the healing process by attempting to legislate away hate and racism.

In New York, they have the 'Amy Cooper bill'. In California, they have what's known as 'The CAREN Act'. And Washington has decided to punish 'swatting' which means calling the police or SWAT resources on non-criminal Black behavior. In other words, the law does have the potential to serve as the solution by empowering police departments and prosecutors to punish white women and men who make false accusations to the police.

While punishment under these laws might seem harsh, the real value lies in the fact that they have the potential to put white people on notice of their privilege and change the cultural narrative of white supremacy in this country. Of course, it should go without saying that the only real value of these laws would be their uses by the criminal justice system and criminal justice actors, which still seems however unable to convict white people of committing crimes when the victim or victims are Black. And especially when those white people are police officers. And in 2021, that is a remarkable statement unto itself. Thank you, Dre.

*Professor cummings:* I want to thank Dr. Tibbs and Dr. Woods for those tremendous presentations. We're going to proceed as we did previously. I have

a few questions I'd like to ask both of these authors, and then please put your questions, audience, in the chat or the Q and A with plenty of time. I wanted to start with Dr. Woods.

One of the things I found fascinating about your article was the comparison between police prison abolition and the medical science interrogation that you engage in your article. Can you please describe how police prison abolition lends a useful methodology for interrogating medical science in the current pandemic?

*Dr. Tryon Woods:* Yes, good, thank you, Dre. So, police and prison abolition has been given a sort of a boost with more attention in recent times. With Black Lives Matter and in this past year of protests. But it's been afoot for a number of years, a couple of decades really. And of course, genealogically or historically it goes back to the abolition of slavery. But contemporary police and prison abolition as many people are aware is based on the analysis that changes and tweaks to the system only strengthen the system of control.

The system of control is operating as it's designed and so the disproportionate inequality is the disproportionate harm, the disproportionate punishment, and disproportionate violence that Black people experience and endure under the criminal justice system. It's not accidental. It's by design. It's historically consistent, and it's a feature of how the system operates. And is intended to operate for the larger purpose of the social structure.

So, with that analysis in mind, abolition has had pursued a devastating critique really of the system as a whole, and argued that the only way to deal with the violence of mass incarceration and policing is to get rid of it. Any tweaks or changes to it will simply strengthen and expand its reach which is what it's done time and time again. And it's proven to be quite resilient in this respect. And so, we have to talk about in pursuit, a different line of analysis. And so, what abolition has been successful in doing is getting that conversation on the table today.

That conversation has been fringed, has been de-marginalized because it is too comprehensive of an analysis of the racial politics that drive this country for people to tolerate. But it's on the table now and that itself is an accomplishment. At local levels around the country, the abolitionists have also been able to develop alternatives to the criminal justice system within local communities. And this starts with getting communities to stop calling the cops. To stop advocating for the police to intercede. And if we would simply stop doing that, many of the harms that we have been enumerating today would disappear.

The criminal justice system is a compounding institution of harm. It is not the originating institution of harm. It is merely an appendage of the fundamental disposition of the society to be anti-Black and to target Black people for violence in every form and way that we can enumerate.

So, that's the analysis that abolitionists have applied to the criminal justice system. My argument is that we need to apply that same analysis to medical science and public health. I find it contradictory and counterproductive and

undermining to be in streets, protesting the police in prisons, but then at the same time to not call into question the very same arguments, the very same narratives that the state offers up with respect to public health and medical science.

As if those narratives and stories are our own, which they are not. For example, we have heard in the COVID era, we have how the disproportionate impact in public health outcomes for Black people has now been revealed. People now are waking up to this, if they didn't know this already. And we're also seeing sort of the litany of medical racism or medical discrimination against Black people. That's routine in the public health system. This also is by design.

You don't have the set operating in one arena, in one fashion, criminal justice. And operate in another arena, public health, and medical science in a completely different fashion. That would be completely contradictory because the purpose of the State is to manage the contradictions of a capitalist democracy. The purpose of democracy is for the people to rule. And people cannot rule if they are not equal. That's basic. But because there is inequality built into the structures of our society and because capitalism requires inequality. Because nobody submits willingly to exploitation.

So, you have to have inequality for exploitation to work. The state must manage those contradictions, and the criminal justice system is essential to managing those contradictions. Which is why abolition is proposing a more fundamental solution to it. So, my argument is we need to propose a similar kind of fundamental resolution or abolition to the way the State is operating medical science and public health.

It is intended to make Black people face premature death. Irrespective of their encounters with the criminal justice system. And so, we cannot call for better access, better inclusion, better integration into public health systems of care and control when all they will do is produce more of the same kinds of outcomes. The same analysis that we make with respect to criminal justice, we need to apply to medical science and public health.

*Professor Cummings:* That was deep, Tryon, and I'm going to ask you a follow-up question and hopefully this will pivot to a question that I have for Dr. Tibbs. One of my favorite chapters in my 'Hip-hop in the Law' book that Tibbs and I put together, is your chapter on Black sexual politics. And you make a statement Dr. Woods where you say that 'The very social coherence of the United States is dependent upon the violence against Black bodies.'

And so, I was wondering if you could speak to that in context as we pivot to a question of what Tibbs was just talking about. In connection with TikTok and the playbook of white female charges against Black men.

*Dr. Tryon Woods:* Yeah. There's a lot of ways into that. I guess, one way to start answering, to start thinking about that, is to start that what slavery did—was it redefined what it means to be a human being. So, modern Europe was formulated at the same time that the slave trade is happening. So, there's happening co-incident to each other and they co-create to each other.

So, all of the cultural concepts that European society or what we call western society conjured up or created about what it means to be a human being. Liberty, equality, fraternity, freedom, justice, ruled by law. The individual is possessing sovereignty over his/her body. Individual rights and property rights. The ability to possess and own one's person's property. All of these things came about through the slave trade because Europeans were creating these ideas as they were going to Africa and kidnapping Black people.

So, these things are not separate. They are not just happening at the same time. One happens through the other. So, when white people in western society talk about the law and talk about individual rights before the law, what they are taking for granted is the individual right to use somebody else as their own property. Which is what slaveholding was. So, for hundreds of years of slaveholding cultures and then the law that grew up out of that was based upon that basic principle.

When slavery ended, what ended was the legal institution that decreed how that slaveholding culture can operate. But it did not end slave-holding culture. Right? The civil war was a war that fought those who fought to end slavery. It was actually not fought to end slavery but fought to preserve it. And it was the slaves themselves who forced the agenda and made it into a war to end slavery. Which means that they took the opportunity as their slaveholding, the north and the south were fighting each other, to pull the rug out from underneath them and force it to become a war.

So, they left the plantations and the south crumbled. But in the aftermath of the war, these two-slave holding classes right? The north and the south got together and revamped, redesigned, remodeled, renovated slaveholding culture as an institution so that you don't have to have anybody legally help in possession as a slave in order for there to be slavery.

And then we have the whole litany of post-emancipation, post-civil rights inequalities, and structural oppression that we see today. And that's why with my article I talk a little about finance, I talk a little bit about technology, talk a little bit about housing, a little bit about education. Because these are the areas, I argue are more fundamental as the police power than even criminal justice.

Criminal justice again is an extension or an appendage of these more fundamental systems of control. So, when we talk about policing, we're always talking about this need of white society to know who it is and how it stands. And so, as a number of people have already mentioned, white people know implicitly in their core, that they're not coming for us.

And so, when Black people experience policing that is a sexual violence. It's not sexual because it's happening by virtue of the different actors involved in terms of male and female or vice versa. It's sexual because it's Black on white and white on Black. Or rather, I shouldn't have said that. I should say white on Black.

And that is fundamentally a sexual violence because that's the violence that reproduces slavery. And it's through that sexual violence that white society knows itself as human and humane. It's unfortunate. It's hard to say this but the reality is that George Floyd has become a symbol is this past year, partly because he is the personification right now is being used as the personification of the supplicant slave. If you go back to the abolitionist era, there was this image of the slaves kneeling, chained reading- 'Am I not a brother? Am I not a human being too?' And George Floyd's tragic last words were, 'Sir. Sir, Officer. Officer.' Right? This is a comforting image for a non-Black society to recoup and gather around to resolve the problems. The extreme problems of racism that it puts on display.

*Professor cummings*: Thank you, Tryon. And Dr. Tibbs, Dr. Woods just set the platform for you. So why don't you take the baton and roll that into your argument? About the playbook of white female playbook.

*Dr. Donald Tibbs*: Yeah, thank you. So, absolutely he did and that's why I love presenting with Dr. Woods. I often find myself in a head-nodding moment constantly. One of the things that is important to understand is how these paradigms come to exist, and Dr. Woods gave you sort of a brief history of rolling chattel slavery into our understanding of white supremacy. And the connection to the Civil War as a war fought to keep slavery, not to end it.

One has to understand that at the end of the civil war, we celebrate the passage of what we call the 'Reconstruction amendments'. So, the thirteenth amendment, the fourteenth amendment, and the fifteenth amendments. And as legal scholars know, these amendments are of some very specific purposes. One to end chattel slavery, the other to grant African Americans citizenship, and the right to due process and right to equal treatment under the laws. And the fifteenth amendment to lead to voting rights.

But one has to also understand that prior to the passage of these amendments, the custom of white supremacy was already deeply ingrained. What the law did was made it legal. Chattel slavery made white supremacy legal, and all parts of the country and any parts of the country that prepared to have it as such legislatively on its books.

So, in the moment that we pass laws to end slavery, we did nothing to scale the presence of white supremacy. We did nothing to stop how white supremacy exists as a social norm. As opposed to just a legal norm. So, we celebrated the end of the concept legally, but the social concept continued to exist. Now, one has to understand why that's really incredibly important because it leads into how we understand how white women became the centerpiece of white supremacy.

In the aftermath of the passage of the fourteenth amendment, and the end of chattel slavery, what it essentially did, was it gave Black people, free slaves, the newly free slaves, the ability to move unencumbered throughout the city, throughout their social spaces. This now for the first time put them in direct

physical contact with white supremacists and with white people, in a way that could not be rebuffed legally. There was nothing that could be done legally.

So, in this moment white people are experiencing the shrinking of white supremacy and they're experiencing the sense that somehow, someway these people who are less than human to us are going to somehow obtain, and have the rights in the same social spaces that we did.

Now you can't rebuff Black freedom anymore legally because it is illegal under the constitution. So instead, white supremacy had to take on a form that moved the social norms that moved the social pegs along the board. And one of the ways it did that was to recognize a sense of white man based on their whiteness and their maleness can no longer express a fear of being around Black men.

Legally they now needed a scapegoat, and they searched for that scapegoat and that scapegoat became white women and white purity. So, that now the presence of Blackness in the physical presence of whiteness. Not just white men, because white men are not going to say, 'I'm afraid of these Black people.' but instead that existence in the presence of white women.

They treated Black freedom as an existential threat to whiteness, white freedom, white supremacy, white rule over this land. All things that are white. And so, this existential threat became centered upon a particular segment of white society. To be treated with the utmost respect and the utmost protection. And that became a social norm, right? A social law, not a legal one.

Now for any one Black person, particularly Black males who might somehow, someway infringe upon that existential threat, whether it be whistling at a white woman or alleged whistling at a white woman. We're not even sure whether or not that actually even occurred. Right? But instead, or actually having some type of comingling relationship with white women presents this huge problem.

Now, this needs to be really clear, and everyone needs to understand that inter-racial relationships between Blacks and whites during slavery were nothing new. White slave owners routinely raped and brutalized their Black women slaves. And at the same juncture, white women also had consensual but secret sexual relationships with Black slaves and with other Black people.

So, now that we're comingling spaces and some of those relationships might come out in the open. It became very important for white supremacists who used white women as Black- as an existential threat to whiteness by having Black people in their presence. They treated this space as one that needs to be policed, and not necessarily just policed by the police. That's one segment of it, but to be policed by other white people.

So, white women became the space upon which anything that was Black, that touched any aspect of their purity. And we can talk about Black purity as well. Any aspect of their purity needed to be treated with the harshest measures under the law.

And one of those harshest measures was to call the police, right? Or to enact what I call rights to supremacist police forces, which is your white supremacist KKK organizations. To literally threaten, kill, brutalize, maim, and use the Black body in the form of sexual violence, to use the Black body as a notification to all Black people, that this will happen to you if you infringe upon white supremacist social space. And one of the main ways that this occur always center around relationships with white women.

The power of white women was so strong during this particular era, just so that people are clear. Black men were often lynched so that white woman would not have to take the stand in a criminal court to testify to whether or not they were actually raped by this Black man. Even if they were raped, even if it did occur, white supremacists jumped at him and said, kill him first, right? So as to spare the reputation of this white woman.

So, historically this is nothing new. And a question is how it has emerged into our sort of contemporary understanding of how white women see the space in which they occupy as a protected space as it pertains the Black existence, socially and legally?

So, what I started to notice as I watched these videos. And this is on TikTok, you will see these things on Twitter, you will see it on Instagram, they just play it over and over again. And as you start to watch them you know you start to see this pattern that one of the first things that white women do in this contemporary space obviously flowed from this long-standing tradition of Black people have no right to be in your presence.

Black man has no right to be a part of your family, lo and behold don't date Black people, right? Don't date Black men. That would send oftentimes for generations, white fathers into an irrational tailspin. In this more contemporary space, we have white women calling upon this understanding, of white supremacy in their presence in a manner that sort of activates a racist fear.

So, the first thing that they have is that the racist fear is there. Because of the narratives talked about Blackness and told about the existential threat of Black people to Black people, and specifically white women. That racist fear is there is sometimes tacit, right? And you can hear this in the language of 'Go back to your country. You don't belong here, this isn't your home, this is why we hate you people.'

And the usage of the 'N' word and other racially pejorative terms, sometimes it's unconscious, sometimes it's unconscious. This is where you have to understand the power of unconscious bias. One might even say for example in an 'Amy Copper' scenario, she wasn't acting all verbally racist, but it was deeply unconscious.

But it was really clear to me that race was important. Because she continued to refer to him as this African American man, meaning that she recognizes that there is a way to talk about African American and Black people, in this particular contemporary sense.

So, there is that activation of the racist fear. And the next thing they do is either threaten to call the police or call the call police not necessarily just to protect them because usually, nothing happened to them, but instead to instill fear in Black people, to comply with whatever request is being put upon them. If you don't do 'A' I'll call the police, I'll call the police on you. I am going to call the police. I am going to call the police.

The true measure of that is that there is a sense in the white community that Black people should be afraid of the police. And so, therefore calling the police instills fear in Black people, that if I do. - What's not being said is, if I call the police, you know what's going to happen to you right? 'If I call the police and you don't leave you to know what's going to happen to you.' So, the use of calling the police as a part of the playbook is used to instill this particular fear and to actually activate the police as there first go on a security force. Despite the fact that we all pay taxes to our local and City governments, so that police work for all of us, not just for white women.

The next thing then that they do in the protection of this whiteness and this white space, is that they then report non-criminal behavior. 'He is taking my picture. They're barbecuing on the lawn. She is asleep in the dorm, she must be trespassing.' And I recount in an article, numerous, numerous moments where the police have called and report to the scene to question unconstitutionally and ask for information unconstitutionally of Black people. And what's present in that moment is by calling the police and reporting non-criminal behavior and understanding how fear and compliance work.

White women know that in that moment those police officers are going to believe their story over the Black person's story. Right? And so, if that Black person is a Black male and they rebuff this unconstitutional interaction with the police. Which they have every legal right to do, under the fourth amendment. Which I have talked about in some of my other articles. Which is that sometimes somehow some way Black people get treated as if the constitution doesn't apply to them. Also, I call it the 'B' constitutionalizing of Blackness.

In these moments, White women know they are going to be believed so they report this non-criminal behavior to bring the police forces. So, to get Black people to comply with what they want. And then finally when there is any rebuff either by that Black person or by the police themselves, they launch into this tear-driven hysteria about how the world is against them, and things of that nature.

And understand those tears. I mean some of them might be real. Right. they may have something to do perhaps with some types of psychological issues that may be present. You know I am not here to say that tears aren't real. But there is a certain aspect of them that sort of falls into the realm of being crocodile tears. Which is we see this happen over and over and over again the fact of crying just instills even more that this is not their fault, and they haven't done anything wrong, but instead this Black person needs to be blamed.

Now, what's the problem that happens as it pertains to this playbook? And I encourage people as they go back and watch these videos, just watch how that's scene plays off. I have ticked off four things, watch the activism of racism. Watch how they threaten to call the police on them, watch how they report non-criminal behavior and then watch the hysteria and tears. By the time you get through that playbook, right?

This person has now had a police force called upon them to report to them with guns and weapons, and the right to use force. Which know sometimes they will use deathly force first and then ask questions later because there is no real fear on behalf of the police in terms of what happens to them when they respond to these situations. Right?

See, they have called the police on these innocent Black people. Which means it not only is illegal but not unconstitutional but not it produces an existential threat to Black life. What happens to Black people when the police are called? Black people die. Even if they are walking down the street and suffering from mental health breakdown. Even if they are walking through a neighborhood after getting some skittles and getting juice. Right? Even if they are jogging through a neighborhood, even if they are laying in their homes, even if the police walk into their apartment mistakenly and shot and kill them in their home. Right?

Somehow somehow when Black people have interactions with the police, Black death is usually the end result. As Doctor Woods pointed out a moment ago. The real lesson to this is that we have to stop calling the police to satisfy and cure our social interactions. Because for Black people that usually ends up in a death sentence. Let's be clear, George Floyd dies because of an alleged illegal counterfeit twenty-dollar bill. His life is taken away because the police were called. And if anyone is watching the testimony the store clerk who called the police, says, 'I feel so sorry. And I am so traumatized'. Right back to your article Dr. Dre. – "I am so traumatized because I know I set this Black man's death in motion over something that didn't need to take place."

So, what I am arguing in my article is that we have to figure out how to not only talk about and add white women to the discussion of white supremacy and white social violence against Black people, because they deserve that space as well. There is no escape space, you're racist or you're not, period. It's not because you're a racist, white, male Christian, you know, homophobe, it's you're racist.

So, what often doesn't happen is that. And even in my own scholarship, I talk so much about whiteness and maleness, that I have never really taken the time to talk about whiteness and female. And I think when we are talking about racism, they just share an equal space.

*Professor cummings*: Excellent, deep. Thank you, Dr. Tibbs. We have some really great questions coming up in the chat and in the Q and A. So, I encourage attendees to go ahead ask your questions. Dr. Woods, I am going to

come to you with a couple of questions in just a moment. I wanted to underscore two things two things that Dr. Tibbs said. And remind everybody that 2021 is the one hundred year of the Tulsa Race Massacre, where Black Wall Street was wiped out in Tulsa, Oklahoma.

And the genesis of the destruction of an entire burgeoning Black capitalistic existence was an accusation on an elevator of a white women against the Black male, that somehow some assault had occurred. That ended up eviscerating incredible Black world that had been generated when African Americans played by the rules set up by white America. And white America eviscerated the opportunity for that Black community to develop some Rockefellers and some Mellons, but instead without reparations to this day killed and destroyed and took property of Black Americans in Tulsa Oklahoma.

So, pivoting from that, Dr. Woods. There is a couple of really heart-wrenching questions in the chat that I wanted to try and speak to. Naomi Wilson asks Professor Woods, "How many individuals protect themselves against mandatory vaccinations from the institutions they are associated with?"

Which also correlates with the question that was asked by Tamara Doss for her own daughter received a vaccination and passed. And she asks, "My petition with the Vaccination Court was futile because it was determined that our daughter was in good health prior to the vaccination and had no pre-existing conditions. Bad case law changed the burden that is now that your child had to have a brain stem morality for the court to rule in your favor. Question - reviewing the previous, you state that the forced vaccinations are unconstitutional if an employer requires it. How do you legally decline?"

*Dr. Tryon Woods:* Thank you, shout out to my daughter Naomi Wilson who is graduating from Drexel, will go through right now, thank you for that Naomi. But both with Naomi's question and Tamara's question about how do you protect yourself from compulsory vaccination.

Tamara's question, just to clarify, so it is constitutional obviously for the State to require compulsory vaccination particularly for children. It would be unprecedented if the federal government required vaccination for all adults, that would be completely unprecedented. But as I said earlier, we don't even have to engage that because the States and local levels and different private employers and other institutions will in effect require it. And what do we do then?

And the answer is we need to build a counterargument that lawyers can use to protect ourselves from this. So, the argument that abolitionist creates whether it's against the criminal law or against medical science. And I don't know if there is any other abolitionists besides myself trying to create an argument against medical science, but hopefully, there will be more after today.

The basis for that evolutionism is that you still have to stem the tide of the harm. So, crafting an evolutionist and now analyst and evolutionist's approach is not at not odds with dealing with and repairing the harm that the system – all these systems that show, are causing today. So, lawyers need to be, as a number

of people have already mentioned, need to be equipping themselves with the tools to go fight that tide.

And I am a strong believer that the systems of control, mass incarceration, will not happen will not end from within. Judges, prosecutors and lawyers will not end mass incarceration. And I have been on a number of panels with Dr. Tibbs in fact where prosecutors have claimed that they are ending mass incarceration and it's likable.

But lawyers, prosecutors, and judges, by lawyers in particular, private attorneys representing the people have a critical role in trying to protect and stem the harm. This also applies to medical science. And so Tamara mentioned, Vaccine Court is a joke, it's a complete joke. And the laws that are set up favor both the State and corporation. So, pharmaceutical companies are indemnified against vaccine injuries.

So, they have created a product and laws have been passed to protect them from any harm that the consumer will face. That is unbelievable from a legal perspective, what corporation gets to do that?

Well, you might actually say, there are quite a few, and you will be right, so corporations tend to have a great deal of latitude including with respect to being held accountable. So, when they do violate the law, their accountability is nominal, it just gets factored in with the cause to doing being business. But with the pharmaceutical companies, we've gone a step further, which tells us that this needs to be the next arena, in which we focus our evolutionist work. Because if the State has gone so far as to completely indemnify pharmaceutical companies from the harm that they are causing then there is a great deal of harm being caused and there is a medical-industrial complex that rests on top of that harm.

And so when people's lives are being cut short unceremoniously, and there is no recourse, which is what Tamara is saying. There is no recourse, and Naomi is also pointing out. Right? There is no recourse. If you are going to school and all of a sudden you are in the middle of let's say, you are entering your senior year in college and all of a sudden your university announces that you have to get a COVID vaccine in order to finish out your – you're in a graduate career. What do you do? There is nothing you can do.

It's just like when you are facing the cops when the traffic stop, you can know all that you know about your rights, and you can know all the harms that the laws are geared to, to wield against you. But in that moment, you better do exactly what is told to you, in order to preserve your life.

So, in the issue of a vaccine, however, if you take that vaccine in order to preserve your college career that may come down to bite you down the road. We don't know. The science has been so sufficiently suppressed that we don't have the adequate scientific evidence to use in court.

What we do have is sufficient to make the claim that there is dangers and there is risk that we should not be forcing upon people. And so, lawyers should

be taking that evidence - some of the evidence they have laid out - which I have used my short amount of time here to present this, so that lawyers listening, can use this evidence to build a counterargument against compulsory vaccination at our levels. As an evolutionist what this means though is that we are simultaneously calling for those resources to be spent in actually necessary ways.

The billions of dollars that are spent in developing vaccines. That they were put to safe drinking water, safe housing, adequate transportation to and from school. We would avoid a whole slew of health problems that we then look to and we have to pay for in the backend and pay for, sloppily. In other words, through discriminatory practices.

The short answer, the answer that we always should return to which is, there is the analysis of the way the law works, is that you may have rights, decreed to you by your constitution. And you may have a correct analysis of how the law works, but they're meaningless unless you have the power to make good on it.

And that's why, that's precisely, it's the heart of the matter, why the law will not lead change, the law follows change. And so, in order to correct the problems in that compulsory vaccinations cause, and including loss of life, we have to put political pressure and we have to create a movement that's commensurate too and connected with Black Lives Matter movements, and other abolitionist movements that attend to the violence of the State, in the more obvious ways. And the spectacle of that policing is drawing our attention away from these other areas, that are just as consequential if not more so.

*Professor cummings:* That's a fantastic, Tryon. Thank you. To you, Donald, the question from Mohamed Malik. Well, he asks, in your talking macro and micro levels, he says, 'While we can understand racist dynamics expanding on the macro level, it's true geographically. And one form in gentrification. What do you say about the idea that there is or might be a parallel expansion on the micro-level? Raising the question, for instance, are we more likely to see the playing out of the playbook, in geographic spaces for gentrification is booming? Or is it more complicated than that?'

*Dr. Donald Tibbs:* Thank you, Mohamed. Mohammed was in my Race and the Law class this past semester. And I love our interactions and our conversations. I mean you know this is one of the things I am really struck by in terms of watching these interactions and watching these micro and macro sort of interactions, as they pertain to racism, is the way in which geographical spaces really matter. Right?

Ways in which neighborhoods are undergoing an immense amount of change throughout this country. Some of it being Black people, ushered out and kicked out of neighborhoods in the inner city for the purposes of producing safe white space, and communities that were once heavily populated by Black people. And then also Black Americans who are moving out into the suburbs, right? Then search for better schooling and maybe perhaps a different kind of

commune from or maybe in all sense their own safety, as they move into these neighborhoods.

It doesn't matter to me. I think whether or not Blacks are moving out to the suburbs or whites are moving into the city, the interactions are remaining the same, which is there is a space in which white people have a sense in which they control and occupy. Not only the structural portions of that environment, not only the structures of that environment whether it be bussing, trash-collecting things of that nature, street repair, but also, the people who live in those communities.

And so you see, Mohamed, as it plays out, you start to see some of the language related to the understanding of Black resistance and treatment of Black existences in those white spaces. Which is somewhat of a 'Why are you here? How did you get here? Do you belong here? I'm going to call the police on you because you don't belong in this neighborhood.' Right?

So, these constant conflicting aspects of space being reconfigured is often. - And with gentrification it's often reconfigured around excluding Black presence, not welcoming it in.

So, do you see it play out in Black communities in gentrifying communities? It is phenomenal oftentimes. When I lived in Philadelphia, I lived in a neighborhood that was undergoing gentrification, and oftentimes an inner city neighborhood. For those who may or may not understand. They are usually norms associating with those neighborhoods. They're usually norms associated with the people who live and interact in those neighborhoods. For example, in Philadelphia Stoop City was a really big deal.

Which is you walk through the street and the people who live in the neighborhood may be sitting on a stoop, and that stoop may be the three or four steps in front of your property that you own and that you bought. And oftentimes stoop sitting happens just sort of randomly when Black males will sit down just to take a breather.

Well, that norm that exists is that those Black men never expect to have the police called on them for Stoop City. But when white people move into these neighborhoods, they want to reconstruct those norms and one of the first things that they want to do is exclude Black people from being able to participate in that normative value. And then if they don't exclude them then they will actually call the police on them.

So, this happens all the time, as neighborhoods get reconfigured around who has rights to a certain type of space. Right. Whether it be geographical, whether be political, whether be economic. And the space in which is occupied by Black people is almost never accepted, it's never valued. And it often works out in these neighborhoods in a variety of different ways.

So, I think sort of to get to the question. Do white people also or white women activate the playbook? In gentrifying neighborhoods, that once were Black or even better, right? I think a better question might even be, in

neighborhoods that are undergoing the gentrification process. In other words, they have not completely gentrified and so they are still a mixed neighborhood, racially, and economically. The answer is absolutely yes.

One of the scenarios that I talk about, one of the videos that I found myself watching in TikTok involved – and you all may remember this, involved this African American. A person of color whose name was James Juanillo. And he was painting ‘Black Lives Matter’ in front of his own home, on his own property. And this white woman by the name of April Williams sort of came by and said, “Listen, what you’re doing is illegal” and he just sort of went with it and asked, “What do you mean what I am doing is illegal?” And she said, “I am going to call the police, this isn’t your property, I know who lives there. You can’t paint these words on your property” and what she didn’t know is that he had just purchased the property. And he actually occupied it and the person, the white American that she thought lived there, was now gone.

So, he sort of just recorded this interaction and said to himself, “Here we go again! This is white women is willing to call the police on me for painting ‘Black Lives Matter’, on my own property. And treat it as if there is a property that this can’t possibly be owned by me.”

And the interesting part is, not only did she get involved, but then her husband wanted to get involved as well and attempt to tell this African American guy that he doesn’t own a property to which he has the deed to.

So, these events occur over and over again. And I think it’s not even just about gentrifying neighborhoods. What about Black - the young Black lady who was sleeping in her dorm in Yale. That’s non- gentrified. I mean it’s technically gentrified by Black people. Because Yale doesn’t usually admit a lot of Black people to their schools, so the Black person who is in the dorm is actually gentrifying Yale’s dorm. But here is the young lady who is taking a nap in her dorm lobby, and has the police called upon her.

And so, you see these moments over and over again, right? And they have turned into these opportunities I think for Black people to really capture. Not only the absurdity of these interactions in these rationalized spaces. But then also just to be able to dub these people as Permanent Patty, Barbeque Becky. You know all these sorts of names, that help you identify what they actually did. So, thanks Mohamed, we appreciate the question.

*Professor cummings:* Believe it or not we’ve only got time for one more question. Which is going to come to Dr. Woods, then I would like to give you both a thirty or sixty-second wrap-up moment. So last question today comes from Daniela Tenjido, our esteemed Editor-in-Chief of the St. Thomas Law Review. ‘Professor Woods, what would say to those who care about the inequalities or shortcomings of the systems like criminal justice and medical science, but also care about public health and not being anti-vaxxers, if getting vaccinated helps protect society at large?’

*Dr. Tryon Woods:* Okay, thank you for that. So, vaccination is a personal decision, what you put in your body and do with your body should always be a personal decision. But what we know also is that the person has always been political. And so, your ability to have sovereignty over your own body is a function of your access, access power on society. So, people should make their decisions and do their own research to decide what they should do what works best for their health.

And so, you should definitely investigate all the evidence about vaccination to decide whether that something you should do for yourself. But my main argument here is that make your own personal decision but help create the political space for people to do the same. So, people who choose not to vaccinate and they have come to that decision for whatever reason that they have come to they should have the political space to do that and they can't do that when people are labeling people anti-vaxxers and conspiracy this and that.

An Anti-vaxxers is somebody who is anti-State Science. That's different from saying I am against vaccination, or I am against public health or I don't care about people, right? That's the way that this critic has been demeaned and disparaged, particularly with respect to Black people, right? The suggestion is that, well, people have gotten over Tuskegee. Well, you don't have to go – you have to go just yesterday, to point to the litany of medical disclination and uses by the State to experiment upon Black medical subjects.

So, this is happening right now in the military, in the military. The final defense got a waiver from the FDA to experiment on soldiers. And the use, for example, they use the Anthrax vaccine against soldiers until the soldiers in the hundreds resisted because of the harmful effects. And we know that Black people and other people of color are disproportionately represented in ground issues in the military. So, this a racial process, these are racialized policies.

So, if we care about the injustices in criminal law and medical science, then the first thing we need to do is be informed and work to create the political space for people to make choices and actually have sovereignty over their own bodies. Self-determination is a political status that you have to have power in order to exercise and in my article, I go back to The Black Panther party. And part of what the Black Panther Party was doing during the '60s and '70s was making health issues a holistic platform.

Remember the Panthers, if we remember them all, we usually remember them incorrectly with respect to self-defense. Which they also were about, but they were about self-determination and put health foremost on their agenda. So that the Black community would not have to go to the medical establishment that uses medical science to oppress. So, be informed, and allow people to make their own choices and correct the political space for self-determination to happen.

*Professor cummings:* Thank you, Dr. Woods. Shoutout to Judas and the Black Messiah. The first film nominated for an academic award by all-Black

production team and development team. I wanted that Dr. Tibbs and Dr. Woods, for an incredibly compelling conversation. These are two of my favorite and deepest intellects that I know nationally, and I wanted to give both of them a final word. So, last thoughts. Dr. Woods first and then we'll give the last word to Dr. Tibbs.

*Dr. Tryon Woods:* Thank you again to everyone involved, and I guess I would just encourage people to their own research. Things like anti-vaxxers are labels that are used to divide. And I can't speak for other people who have a critique about vaccination, I can only speak for myself and the research I have done.

So, I encourage people to read the article to begin their own process, their own independent process of becoming informed so that we don't just take the soundbites and perceive knowledge to us, particularly with respect to social media, cut yourself from social media, and do your own research. Thank you.

*Dr. Donald Tibbs:* So, want to just echo Dr. Wood's thanks for – and say again to the Law Review thank you so much for putting on this virtual symposium. You know we kicked this off thinking that this was going to be a live event on campus and you know over today's conversation, over the course of three hours, we've had up to two hundred and sixty people tuned in taking notice of the Law Review, taking notice of St. Thomas, taking notice of what can be accomplished when the editors and members of the organization lead the way and do the things that I think students are able to accomplish. So, my congratulations to the Law Review. I am honored to be here, honored to serve as your mentor. Honored to hang once again intellectually with my boy Dr. Woods. And my other andré douglas pond cummings, thank you all so much. And last but not least, stop calling the police on Black people. Please.

#### CLOSING REMARKS

*Daniel Gabuardi:* Thank you, Dr. Woods and Dr. Tibbs for shedding light on these very pressing issues. This now concludes our event. I would like to thank all those in attendance for participating, and our esteemed panelists for contributing to this impactful symposium.

It is important especially in our day and age to raise awareness on these issues to help bring a positive change in our communities. I would also to thank our Law Review staff and Symposium Editors, Daniela Tenjido, Angela Nieves, Gabrielle Bush for helping to make today possible. Thank you all and have a great rest of the day.

*[Audio Ends] [3:03:54.3]*