

# THE CENTER ON RACE INEQUALITY & THE LAW

NYU SCHOOL OF LAW

ANNUAL REPORT  
2021-2022



# TABLE OF CONTENTS / THE CENTER ON RACE, INEQUALITY, AND THE LAW

## 1 1. LETTER FROM THE FACULTY DIRECTORS

## 3 2. ABOUT THE CENTER ON RACE, INEQUALITY, AND THE LAW

### 2.1. STAFF

### 2.2 WHAT IS THE CENTER ON RACE, INEQUALITY, AND THE LAW?

### 2.3 HOW WE WORK

### 2.4 THEMATIC PRIORITIES IN 2021-2022

## 5 3. RACE AND THE CRIMINAL LEGAL SYSTEM

### 3.1. PAROLE JUSTICE

### 3.2 PUBLIC DEFENSE REFORM

#### 3.2.1 Litigation

#### 3.2.2 Working Group

### 3.3 TRAINING ACTORS IN THE CRIMINAL LEGAL SYSTEM

### 3.4 PUBLIC EDUCATION

#### 3.4.1 Public Conversations

#### 3.4.2 Presentations by Center Staff

#### 3.4.3 In the Media

### 3.5 AMICUS BRIEFS

#### 3.5.1 *U.S. v. Watts*

#### 3.5.2 *Tingley v. Ferguson*

## 10 4. RACE AND TECHNOLOGY

### 4.1. RESEARCH, ADVOCACY, AND ACTION NETWORK

### 4.2. PUBLICATIONS

#### 4.2.1. *The Master's Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies*

### 4.3. PUBLIC EDUCATION

#### 4.3.1 Presentations by Center Staff

## 12 5. RACE AND COMMUNITY EQUITY

### 5.1. THE INITIATIVE FOR COMMUNITY POWER

### 5.2. PUBLICATIONS

#### 5.2.1. *Race-Conscious Admissions Policies are Crucial to an Equitable Society*

#### 5.2.2 *Imperfect Inferences: A Practical Assessment*

### 5.3 PUBLIC EDUCATION

#### 5.3.1 Public Conversations

#### 5.3.2 Presentations by Center Staff

#### 5.3.3 In the Media

### 5.4 AMICUS BRIEFS

#### 5.4.1 *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, et al.; Students for Fair Admissions, Inc. v. University of North Carolina, et al.*

## 17 6. RACE AND LEGAL EDUCATION

### 6.1. STUDENT OPPORTUNITIES

#### 6.1.1. Fellowships, Internships, and Research Opportunities

#### 6.1.2 Reading Groups

#### 6.1.3 Career Support

## 18 7. NYU INSTITUTIONAL PARTNERSHIPS

## 22 ACKNOWLEDGMENTS

## ANNUAL REPORT 2021-2022<sup>1</sup>

1

### LETTER FROM THE FACULTY DIRECTORS

December 2022

Over the last year, the scourge of racial injustice has continued to infect our body politic across a host of systems and institutions. A pathological allegiance to a false narrative that conflates race, criminality, and fear remains a driving force in shaping policy and practice in the criminal legal system. Racism imperils the equitable and just distribution of opportunities, experiences and resources for communities of color—from education and infrastructure to the land we live on, the air we breathe, and the water we drink. Prominent challenges taint the intersection of race and technology, as algorithmic tools and artificial intelligence threaten to project the racial inequality of the past into the present, producing an unjust future. The United States Supreme Court, through an ultra-conservative majority, has upended fundamental rights once thought sacrosanct, sounding a threatening alarm for all concerned about racial justice and the rule of law. And the ideologies of white supremacy, racial difference, fear, and anger have bolstered America's consistent unwillingness to confront the truth about racism and the extent of its reach.

Despite these challenges—and indeed because of them—over the last year, the Center on Race, Inequality, and the Law deployed research, public education, and advocacy in all its varied forms to deepen and expand our work to resist and overcome the challenges posed by racial inequality. We have had the great fortune of tremendous leadership from Deborah Archer, the Center's Co-Faculty Director, and Jason Williamson, our Executive Director. We also have had the benefit of administrative support from Carolyn Schachtel and her predecessor, Madeleine Sears, both of whom combine a fastidious attention to detail with an excellent work ethic to keep the internal logistics of the Center on track. They, along with the rest of our staff, work tirelessly to advance the Center's work on multiple fronts, and have taken the Center in exciting new directions while meeting the moment at every turn. In addition, we welcomed



DEBORAH ARCHER



VINCENT SOUTHERLAND

<sup>1</sup>This Annual Report covers the Center's activities from September 2021 through August 2022. Last year's Annual Report can be found [here](#).



two post graduate fellows, Tasleemah Tolu Lawal and Ted Jack. Both returned to the Center after working with us as student fellows while they were at NYU Law, and have been invaluable.

Our community equity work, for example, challenged litigation and advocacy to end race conscious admissions policies and upended the racial inequity embedded in our highways and other facets of our physical landscape. We also embraced an environmental justice lens to inform our work in communities. At the same time, the Center's Initiative for Community Power, led by Andrew Friedman, has provided training and guidance to students and advocates interested in fostering change and working to create a more equitable, democratic, and racially just society. On the criminal legal system front, the Center remained steadfast in support of a broad coalition of advocates to transform the parole system in New York and imbue the process with a measure of fairness and justice. In addition, we worked in coalition with public defense reform advocates and litigated to strengthen the provision of indigent defense services. Those efforts were complemented by a series of Center sponsored public conversations that focused on highlighting the voices of those working to fight against the pernicious influence of race in the criminal system. Our work at the intersection of race and technology was anchored by an effort to build a research, advocacy, and action network focused on the connection between race, technology, and the criminal legal system. Terrance Pitts, our Senior Research and Advocacy Fellow, continues to drive that effort, fostering partnerships with organizations and advocates engaged in the fight for algorithmic justice. We also provided public education to call attention to the racial justice concerns raised by algorithmic tools, artificial intelligence, and surveillance technology. Meanwhile, the Center's work on race and legal education provided opportunities to engage scholars, faculty, staff, and students on matters of race and inequality.

The Center continues to benefit from the support and collaboration of a range of partners inside and outside of NYU. A prime example is the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, and specifically Brad Karp, Valerie Radwaner, Alan Kornberg, and Danyale Price, who continue to support the work of an annual cohort of law student fellows to contribute to our work. The 2021-2022 Paul Weiss Fellows, Rochelle Ballantyne, Christine ElDabh, Bailey Jackson, David Jimenez, and Nicole Mo were instrumental to our research and advocacy, and the 2022-2023 fellows, Patrick Archer, Yeabsira Asrat, Blair Childs-Biscoe, Olivia Fritz, Apurva Panse, and Eunice Park have proven as essential as their predecessors. Students—from undergraduate to the law school—have made lasting contributions to the Center's work. Other partners, such as the Meltzer Center on Diversity, Inclusion, and Belonging, the Zimroth Center on the Administration of Criminal Law, the Birnbaum Women's Leadership Network, the McSilver Institute, and a host of student organizations, law journals, and racial justice and civil rights organizations have proven invaluable to our work.

Of course, none of what the Center does would be possible without your support—I thank you for it. The year ahead will undoubtedly bring challenges—some old and some new. Nevertheless, our unwavering commitment to racial justice leaves me excited about what the future holds, as our work day in and day out brings us that much closer to a just world.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent Southerland", with a long horizontal flourish extending to the right.

Vincent Southerland



## 2. ABOUT THE CENTER ON RACE, INEQUALITY, AND THE LAW

### 2.1. STAFF, 2021-2022

#### Faculty Directors

Professor Deborah N. Archer

Professor Vincent M. Southerland

#### Executive Director

Jason D. Williamson

#### Administrators

Madeleine Sears

Carolyn Schachtel

#### Senior Research & Advocacy Fellow

Terrance Pitts

#### Director of Initiative for Community Power

Andrew Friedman

#### Legal Fellows

Ted Jack

Tolu Lawal

#### 2021–2022 Law Student Fellows

Rochelle Ballantyne ('23)

Christine ElDabh ('23)

Bailey Jackson ('23)

David Jimenez ('23)

Nicole Mo ('23)

#### 2022 - 2023 Law Student Fellows

Patrick Archer ('24)

Yeabsira Asrat ('24)

Blair Childs-Biscoe ('24)

Olivia Fritz ('24)

Apurva Panse ('24)

Eunice Park ('24)

#### 2021–2022 Legal Intern

Rida Kamal ('23)

#### 2021–2022 Undergraduate Intern

Julia Sussman ('24)

### 2.2. WHAT IS THE CENTER ON RACE, INEQUALITY, AND THE LAW?

Four centuries of racism and systemic discrimination have left an indelible mark on the architecture of American society. The legacy of slavery and Jim Crow remains with us, as racism continues to shape the way policies are developed and applied at all levels of government, and in the private sector. Indeed, the racism that permeates our present-day legal system has deep roots. It infiltrates our laws, institutions, and systems, resulting in enduring racial inequities throughout every domain and institution in this country—from the criminal legal system to housing, infrastructure development, technology, education, and the environment.

In this context, the Center on Race, Inequality, and the Law at New York University School of Law was created to confront the laws, policies, and practices that lead to the oppression and marginalization of people of color. By documenting the history of racism in America, elevating the stories of those affected by race-based inequality, supporting community-based efforts to fight back against discriminatory policies and practices, challenging unjust government action through litigation, and rigorously applying

a racial lens to analyze unremitting disparities across multiple sectors of our society, we identify actionable, forward-looking solutions to address the injustices caused by racism.

The Center envisions a world in which laws, policies, and legal practices are applied fairly and equitably to all people. This will be achieved as:

- Communities of color transform racial narratives and are active contributors in the movement toward racial equity in the legal system;
- Understanding the law through the lens of race and inequality becomes a fundamental component of legal education in the United States;
- Legal practitioners, policymakers, teachers, advocates, and the public are catalyzed to combat institutional racism and work to create a fair and equitable legal system; and
- Inequitable laws, policies, and practices are challenged, reformed, or abolished as a result of legal action, advocacy, organizing, public education, research, and/or training.

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## 2.3. HOW WE WORK

The Center works in four key ways:

### *Driving the narrative*

The Center leverages its expertise to produce content that addresses the historical, empirical, and pervasive character of racial bias in the legal system. We conduct research on the nuances that drive racial disparities in the law—from in-depth historical reporting, to rigorous legal examinations, to complex data analysis. We publish original materials to enrich the discourse and present actionable solutions for system actors and policymakers to draw upon. We provide space for communities of color to tell their stories that lie at the intersection of race and the law.

### *Challenging current policy and practice through research, litigation, and advocacy*

We take legal action to challenge institutions and systems that perpetuate racial justice. As a key part of our strategy, we use our expertise, research,

and advocacy to support legal actions that provide individual redress and build momentum for scalable reform.

### *Providing education and training*

We provide education and training to actors at all levels—from law students to practicing attorneys to the general public—on the history of racism and its impact on the contemporary legal system. We infuse law school curricula with principles of racial justice, and work to ensure that legal education is informed by an understanding of the history of race and white supremacy in America. We produce original training materials to support the continuing education of practitioners, and actively support them to become leaders who will advance racial justice. We work with a robust network of partners at universities across the country to share lessons learned, collaborate on programming and curriculum development, and host joint meetings.

### *Convening*

We convene community and civic leaders, advocates, practicing attorneys, academics, formerly incarcerated people and their families, and the broader public to facilitate productive discourse about racial disparities in the law. We host roundtable discussions and community conversations to gather input and explore solutions that will reduce racial disparities and improve justice outcomes for all. We invite experts to speak about their emerging research, and host a variety of public events, such as film screenings and moderated conversations centered on urgent issues of racial justice.

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## 2.4. THEMATIC PRIORITIES IN 2021-2022

The Center's thematic priorities fall within the following areas:

- Race and the Criminal Legal System
- Race and Technology
- Race and Community Equity (Housing, Infrastructure Development, Environmental Justice, & Education)
- Race and Legal Education



## 3. RACE AND THE CRIMINAL LEGAL SYSTEM

The Center's work at the intersection of race and the criminal legal system focuses on addressing the racially biased exercise of discretion in the system and confronting the taint of racial inequality that drives injustice and unfairness at every stage of the criminal prosecution process. Our work includes advocacy to advance parole justice and to push back against the harmful use of technology in the criminal legal system; litigation to challenge the denial of competent counsel for indigent defendants across the country; and public education—through workshops, symposia, panels, speaking engagements, trainings, and other events—to bring attention to the systemic inequality that continues to permeate the system.

### 3.1. PAROLE JUSTICE

The parole system is a particularly stubborn example of the ways in which discretion invites biased decision-making and drives mass incarceration. As a member of the Steering Committee for the [People's Campaign for Parole Justice](#) (PCPJ), the Center works to significantly reduce the number of people in prisons across the state by advocating for legislation that would prioritize the release of aging prisoners and make the parole hearing process fairer and more humane through addressing the racial disparities that pervade parole release decisions in New York State, with the goal of initiating similar coalition building in other jurisdiction across the country. The Center's Executive Director also serves on the PCPJ Commissioner Subcommittee, which focuses on

identifying and advocating on behalf of candidates to fill vacant seats on the Parole Board. In particular, the Subcommittee works to encourage the governor to appoint more underrepresented community members and formerly incarcerated individuals to serve on the Board going forward.

The Center also works to diagnose and address the causes of racial disparities in parole hearing releases through rigorous data analysis and research. By unpacking the root causes of disparate outcomes that result from the current process, we aim to shape viable solutions that address racial disparities in the decision-making process and, ultimately, reduce the prison population in New York State and beyond.

Over the last year, the Center continued its work in the parole justice space, partnering with local organizations such as the [Release Aging People in Prison \(RAPP\) Campaign](#) and the [Parole Preparation Project](#), and a host of organizations working in coalition through the People's Campaign for Parole Justice to advance reforms throughout New York. Policy proposals that the Center supported include an expansion of parole eligibility for elderly incarcerated individuals (the Elder Parole bill) and a reworking of parole release standards to better account for the growth that a person may have undergone while incarcerated (the Fair and Timely Parole bill). The Center engaged parole system actors and policymakers to advocate for changes to the system. The spread of COVID-19 in prisons, a setting in which social distancing is impossible, made the Center's parole work in 2021–2022 vital. The Center's parole-centered work included:



- On October 26, 2021, the Center partnered with the NYU Parole Advocacy Project and the NYU Black Allied Law Students Association to co-sponsor “Parole Board 101.” The conversation featured a panel of formerly incarcerated individuals, who shared their experiences preparing for and going before the Parole Board.
- On November 8, 2021, the Center co-sponsored a screening and discussion of, “The Interview,” a short documentary film focused on parole in New York state and the toll our current system takes on incarcerated people and their families. Following the screening, TeAna Taylor, of the People’s Campaign for Parole Justice, moderated a discussion featuring panelists Mark Shervington, Tracey Bowe, and Anthony Dixon. The event was co-sponsored by the NYU Parole Advocacy Project, NYU Black Allied Law Students Association, the National Lawyers Guild, the Women of Color Collective, and the People’s Campaign for Parole Justice.
- In partnership with NYU’s Parole Advocacy Project, EPIC Advocacy, and the People’s Campaign for Parole Justice, the Center co-sponsored an “Advocacy for Parole Justice” meeting on February 3, 2022. The meeting featured People’s Campaign for Parole Justice Organizers TeAna Taylor, Mark Shervington, and Jared Chausow, who shared how to get involved in the movement for parole justice in New York.

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## 3.2 PUBLIC DEFENSE REFORM

While prosecutors and judges may wield the most power within the criminal legal system, the Center believes that the role of public defenders is too often overlooked, despite the outsized impact they can have on the process. Indeed, the vast majority of criminal defendants across the country cannot afford to hire a private attorney and, as a result, must rely on public defenders to represent their interests and shepherd them through what is often a harrowing

and stressful experience. And yet, public defense systems throughout the United States are routinely underfunded and under-resourced, often leaving poor—and disproportionately Black and Latinx—defendants to fend for themselves, without the legal representation to which they are entitled under the Constitution. The Center seeks to reverse this longstanding trend by working with impacted people, communities, and system stakeholders in specific jurisdictions to address the issue through public education efforts, policy advocacy, and litigation.

### 3.2.1 Litigation

In May 2022, the Center joined the Oregon Justice Resource Center and the law firm of Levi Merrithew Horst PC, in filing a class action lawsuit challenging the state’s failure to provide counsel to hundreds of indigent people accused of crimes across Oregon. Due to the state’s ongoing shortage of defense attorneys tasked with representing poor people accused of crimes, many accused have been left without access to a lawyer for months at a time—sometimes while sitting in pretrial detention. To make matters worse, Black and Brown defendants have been disproportionately impacted by the public defense crisis, just as they are by every other failing of the criminal legal system. As such, the Center filed suit on behalf of four named plaintiffs, representing the class of indigent defendants awaiting counsel and alleging state constitutional violations of both their right to counsel and their right to equal protection under the law. Within days of filing the civil case, the named plaintiffs were provided with attorneys in their individual criminal cases. The original lawsuit was later voluntarily dismissed and re-filed with a new set of plaintiffs. The case is currently pending.

### 3.2.2 Working Group

In the spring of 2022, Executive Director Jason Williamson joined a coalition of public defense reform advocates from around the country to identify and take action in jurisdictions that are particularly lacking in their provision of public defense services. Led by the Raben Group, the coalition’s work began



with a Public Defense Reform Advocacy Roundtable, held on May 24, 2022, bringing together advocates from a range of organizations, including the ACLU; the Deason Criminal Justice Reform Center at SMU Law School; the Sixth Amendment Center; the National Association of Criminal Defense Lawyers (NACDL); the National Legal Aid and Defender Association (NACDL); Gideon's Promise; the Southern Poverty Law Center; and the Brennan Center for Justice, among others. Since the initial convening, the coalition has continued to meet on a monthly basis to discuss our respective advocacy efforts and the implementation of newly-developed national standards for public defense services.

### 3.3. TRAINING ACTORS IN THE CRIMINAL LEGAL SYSTEM

The Center values the importance of training as a means to help actors in the criminal legal system exercise their discretion in ways that confront and account for racial bias. Since its launch, the Center has provided direct training to legal actors and facilitated trainings in partnership with organizations working at the intersection of race and criminal justice.

- Co-Faculty Director Vincent Southerland served as a panelist for the Franklin H. William Judicial Commission Symposium, [“Advancing Equal Justice—Identifying Solutions for Eliminating Systemic Racism Through the Law”](#) on June 16, 2022.



- On June 20, 2022, Co-Faculty Director Vincent Southerland provided a training to the Denver Bar Association on race and pretrial practice.

## 3.4. PUBLIC EDUCATION

### 3.4.1. Public Conversations

- On September 29, 2021, the Center hosted an online conversation commemorating the 50th anniversary of the [Attica prison uprising](#), moderated by Center Executive Director Jason Williamson and featuring Lateef Absury, an elder who witnessed and survived the Attica uprising; Martin Stoler and Daniel Alterman, two NYU Law graduates who represented those involved; and Sofiyyah Elijah, a visionary leader and movement lawyer who is continuing the fight against the carceral system today. The conversation explored the concept of movement lawyering as practiced after the Attica uprising 50 years ago, what has changed, and what has stayed the same. Grounded in our history, the panelists discussed how we can mobilize ourselves and our communities towards prison abolition and beyond.



- On March 7, 2022, the Center hosted [“How America Criminalizes Black Youth: A Conversation with Kristin Henning.”](#) a virtual conversation with professor Kristin Henning on her newly released book, *The Rage of Innocence: How America Criminalizes Black Youth*. Throughout the discussion, Center Co-Faculty Director Vincent Southerland engaged with Professor Henning on the reality of being a Black adolescent in the United

States, the consequences of our persistent policing of Black youth, and what can be done to dismantle the racist systems that shape the childhoods of so many children of color.



- In partnership with the Peter L. Zimroth Center on the Administration of Criminal Law, the Law Alumni Association, and the Law Alumni of Color Association, the Center co-sponsored the fourth [Kenneth P. Thompson '92 Lecture on Race and Criminal Justice Reform](#) on March 23, 2022. Moderated by Center Executive Director Jason Williamson, the event highlighted the unique and daunting challenges facing Black female prosecutors as they attempt to reform the way their offices do business and reshape the larger criminal legal system. Joining Williamson for the discussion were Cook County (IL) State's Attorney Kimberly Foxx, Commonwealth's (MA) Attorney Stephanie Morales, and Angela J. Davis, Distinguished Professor of Law at American University Washington College of Law.

### 3.4.2. Presentations by Center Staff

- On April 14, 2022, Co-Faculty Director Deborah Archer delivered the 64th Annual John R. Coen Lecture at the University of Colorado Boulder Law, entitled ["The Power and Persistence of Racism."](#)
- Co-Faculty Director Deborah Archer was a featured speaker at the Alliance for Justice's ["Holding Court Presents: Presumed Guilty"](#) on July 7, 2022, focused on the Supreme Court's compliance in expanding police violence.



AFJ's Holding Court Presents: Presumed Guilty by Erwin Chemerinsky

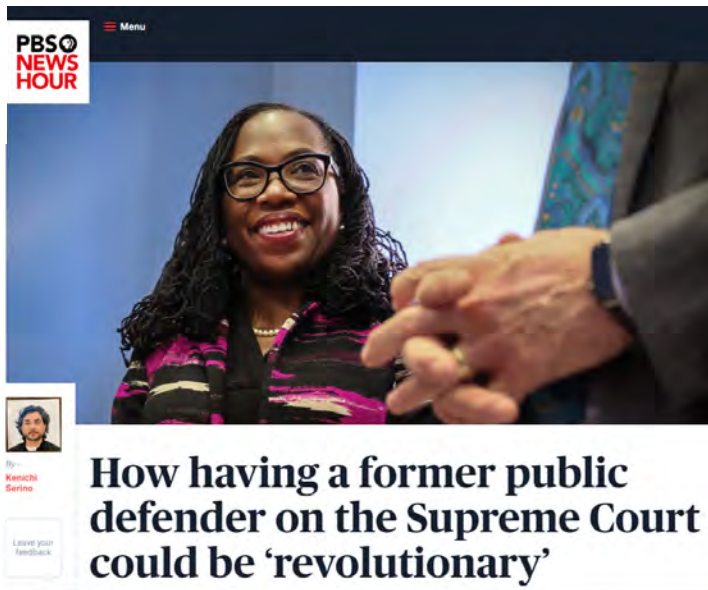
- On July 14 and 15, 2022, Center Co-Faculty Directors Vincent Southerland and Deborah Archer attended the [Global Meeting on Law and Society](#) in Lisbon, Portugal. Southerland moderated panels entitled "Changing Police Organizations and Practices: Prospects and Pitfalls" and "Justice, Public Security, and Race in Bolsonaro's Brazil," and Archer served as a panelist on a panel entitled "Black Rage."

### 3.4.3 In the Media



ACLU President Deborah Archer | The Hill Presents: A More Perfect Union

- Co-Faculty Director Deborah Archer was interviewed on ["The Hill Presents: A More Perfect Union, Rise: Mobilizing for Justice,"](#) and discussed the American legal system, reparations, and the January 6th insurrection on Capitol Hill.



- Co-Faculty Director Vincent Southerland was quoted in PBS Thirteen's, "[How having a former public defender on the Supreme Court could be 'revolutionary.'](#)" examining the significance of appointing a Black female Supreme Court Justice and how conversations around racial justice have changed.
- Executive Director Jason Williamson was interviewed by [NPR](#) about the shortage of defense attorneys in Oregon and across the country.
- Pew Charitable Trust's "[Public Defenders Were Scarce Before COVID. It's Much Worse Now.](#)" features insight from Center Executive Director Jason Williamson.

## 3.5 AMICUS BRIEFS

### 3.5.1 *U.S. v. Watts*

In December 2021, the Center submitted an amicus brief in the Federal District Court for the Eastern District of New York in support of a Motion for Compassionate Release filed by Mr. Charles Watts, who was convicted of a series of armed robberies in 1993 at age 22 and sentenced to nearly 100 years in prison, consistent with the draconian charging and sentencing practices that ruled the day. In advocating for Mr. Watts' release after nearly 30 years in prison, the Center urged the Court to consider the devastating consequences of the unnecessarily harsh sentencing regime that dominated the 1990s, its disproportionate impact on people and communities of color, and the extent to which it contributed to the meteoric rise of mass incarceration across this country. As of this writing, Mr. Watts' motion remains under consideration.

### 3.5.2 *Tingley v. Ferguson*

In *Tingley v. Ferguson*, the Center joined the Fred T. Korematsu Center for Law and Equality, the Aoki Center for Critical Race and Nation Studies, and the Loyola Law School Anti-Racism Center in an amicus brief in support of the State of Washington's law prohibiting LGBTQ+ minors from being subjected to conversion therapy by licensed medical practitioners. The law faced a constitutional challenge from a local therapist alleging that he maintains a First Amendment right to conduct such treatment as part of his medical practice. Among other things, the brief noted the long and sordid history of discriminatory laws and practices that have subjected racial, ethnic, and other minorities to unique harms simply on the basis of their minority status.





## 4. RACE AND TECHNOLOGY

The Center engages in advocacy, research, and public education to mitigate the harm of algorithmic and surveillance tools in criminal and civil domains. The Center's work in this area seeks to apply a racial justice lens to the development, design, implementation, and oversight of technological tools that analyze datasets to identify patterns that are used to inform forecasts about people or places. The Center is a member of several coalitions and has participated in a host of public-facing events to advance racial justice in this area.

### 4.1. RESEARCH, ADVOCACY, AND ACTION NETWORK

Across the country, the proliferation and use of emergent technology, surveillance tools, artificial intelligence, and risk assessment instruments deployed in the criminal legal system are having harmful and racially disparate impacts in communities of color. In many ways, the age of mass incarceration has begun to morph into the age of surveillance and criminalization. While the racially disparate impact of some of these tools, like facial recognition technology, is becoming more widely known, much of the new technology lacks data about its efficacy with little transparency about the technology used to develop them.

In response to this growing trend, in the fall of 2021, the Center initiated an 18-month process of planning and developing a research, advocacy, and action

network at the intersection of race, technology, and the criminal legal system under the leadership of Senior Research and Advocacy Fellow Terrance Pitts. The overall purpose of the network will be to support advocacy and research partners in the field, as well as local activists and community-based organizations, whose work addresses the racially disparate and harmful impact of AI-driven and surveillance technology in the criminal legal system. Through a series of more than 100 interviews with practitioners, researchers, advocates, and grassroots activists from across the country, followed by a series of intensive planning committee meetings during the summer of 2022, the Center has worked closely with its partners in the field to establish a clear vision and structure for the network going forward.

The network envisions a world beyond incarceration, surveillance and state violence where Black and Brown communities thrive in healthy and safe environments. To move toward this vision, the network will serve as a clearinghouse, connector, and provider of resources to advocates, academic researchers, and technologists to support, strengthen, and amplify their work addressing the impact of AI-driven technology, automated decision-making systems, and surveillance on directly impacted communities – particularly Black and Brown communities. The network's four strategic pillars of work will focus on Research, Action, Narrative Change, and Innovation. The goals of those pillars include:

**Research:** To build a research agenda, pipeline, and community of practice that interrogates the role of race and technology in the criminal legal system.

**Action:** To build community power by providing community members and advocates with the resources, training, and expertise necessary to counter harmful law enforcement agendas which rely on technology and surveillance tools.

**Narrative Change:** To cultivate shared and new narratives about the harmful impacts of technology and surveillance in the criminal legal system by elevating a diverse community of voices while advancing racial justice.

**Innovation:** To mobilize movement-aligned technologists to support the building of tools that ameliorate the harmful outcomes of surveillance technology and advance racial justice.

The 18-month network planning process has been supported by a generous grant from the MacArthur Foundation and will come to an end in March 2023, when the network will begin its substantive work in earnest.

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## 4.2. PUBLICATIONS

### *4.2.1 “The Master’s Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies”*

Co-Faculty Director Vincent Southerland authored [“The Master’s Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies,”](#) as part of NYU Law’s Public Law & Legal Theory Research Paper Series. In his piece, Southerland grapples with the tension between CCOPS laws and abolitionist efforts in evaluating the efficacy of CCOPS laws. In doing so, Southerland theorizes about how CCOPS laws and their community control mechanisms can be deployed as a suite of tools, and how these tools can be leveraged to achieve abolitionist ends.

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## 4.3. PUBLIC EDUCATION

### *4.3.1 Presentations by Center Staff*

- Co-Faculty Director Vincent Southerland served as a panelist for the Electronic Privacy Information Center’s forum, [“Regulating to Address Racial Logics in Algorithmic Systems”](#) on September 21, 2021.
- Co-Faculty Director Vincent Southerland served as a panelist for “Reimagining Public Safety: The Rise of ‘AI’ and Policing,” as part of the NAACP Legal Defense Fund’s [Annual Civil Rights Training Institute](#).
- Co-Faculty Director Vincent Southerland facilitated a training, “Challenging Facial Recognition Technology,” for the New York Criminal Bar Association on February 18, 2022.
- On March 1, 2022, Co-Faculty Director Vincent Southerland presented [“The Intersection of Race and Algorithmic Tools in the Criminal Legal System,”](#) at Yale Law School as part of the Yale Law and Technology Speaker Series.
- On March 29, 2022, Co-Faculty Director Vincent Southerland was a featured speaker at the National Institute of Standards and Technology’s second [“Building the NIST AI Risk Management Framework Workshop.”](#)
- On September 15, 2022, Co-Faculty Director Vincent Southerland served as a panelist on “Artificial Intelligence and Civil Rights: Impacts on Employment, Housing and Criminal Justice,” as part of the [Federal Bar Association Annual Meeting](#).



## 5. RACE AND COMMUNITY EQUITY

Race shapes communities in countless ways. The racial composition of a community impacts the education that children receive, the homes in which residents live, the level of pollution to which people are exposed, and more. People of color are often disadvantaged by racial dynamics and public policies that have created hostile environments around them and perpetuated the legacy of slavery and white supremacy in this country. Employing a racial justice lens is integral to ensuring that all people can enjoy just and equitable living conditions in their communities. The Center advances its work in this space through a dynamic, multifaceted approach to advocacy and public education.

### 5.1. THE INITIATIVE FOR COMMUNITY POWER

The Initiative for Community Power, housed in the Center on Race, Inequality, and the Law, combines scholarship, field-building, experiential education, convenings, and field placements to study and challenge inequality and anti-democracy. The Initiative works closely with non-profit, academic, and government partners to reimagine the parameters of the possible, and to transform its vision of dynamic democracy, rooted in racial and economic justice, into reality. Combining the weight and assets of a global academic institution with deep community partnerships and decades of high-impact community organizing and power-building work, the

Initiative catalyzes analysis, innovation, and project work to create a more equitable, democratic, and racially just society.

The Initiative's work includes partnering with the public sector and power-building organizations to confront endemic inequality of political voice, engagement and power; funding, placing, and helping to supervise and support student fellows to work in organizations and on academic projects supporting democracy and challenging inequality; developing course offerings such as seminars and clinics focused on inequality and on recent anti-democratic trends, in the US and abroad; hosting domestic and international scholars, elected officials, organizers, activists, organizational leaders, and others with expertise on issues and disciplines related to inequality, racial justice, political economy, policy, power, and social change as a resource for faculty, students, and the broader advocacy, governance, social justice, and policy fields; convening meetings and partnerships with key organizational leaders and leaders at other schools of law and public affairs; providing student fellows, as well as other interested students and faculty, with training on key equality and democracy issues, the ideological underpinnings of these issues, and on crucial organizing, policy and governance approaches to advancing equity and strengthening democratic engagement; promoting faculty and student partnerships with pro-democracy and social and racial justice organizations to help conduct



and publish research necessary to advance their work; hosting Organizers-In-Residence Fellowships at NYU for social change leaders and organizers to engage in reflection, writing, study, and exchanges with the community that emerges from the Initiative; and creating a fund which would give small grants to promising student-led projects related to equity, justice and democratic engagement.

## 5.2 PUBLICATIONS

### 5.2.1. “Race-Conscious Admissions Policies are Crucial to an Equitable Society”

Co-Faculty Director Deborah Archer authored [“Race-Conscious Admissions Policies are Crucial to an Equitable Society.”](#) published by Bloomberg Law in February 2022. Throughout the piece, Archer discusses the importance of race-conscious admissions policies in diversifying student bodies and confronting structural inequality. Archer outlines the harmful consequences of “race-neutral” admissions policies, which include decreased enrollment in schools among underrepresented groups and lower projected earnings for students of color.

### 5.2.2. “Imperfect Inferences: A Practical Assessment”

In June 2022, Co-Faculty Director Vincent Southerland’s research article, [“Imperfect Inferences: A Practical Assessment,”](#) was published in the 2022 ACM Conference on Fairness, Accountability, and Transparency. Southerland’s work evaluates a dataset of self-reported demographic information provided by Uber users, finding that racial inference methods, while imperfect, can be used to demonstrate aggregate disparities.

## 5.3. PUBLIC EDUCATION

### 5.3.1. Public Conversations



- The Center co-sponsored the [26th Annual Derrick Bell Lecture on Race in American Society](#), in partnership with NYU Law’s Office of Development and Alumni Relations, on November 10, 2021. The virtual lecture, entitled “Racial Realism, Today,” was delivered by Robert S. Chang, Professor of Law and Executive Director of the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law. In his lecture, Chang discussed the differential racialization of non-whites in America and contemplated Derrick Bell’s theory of racial realism, grounding his analysis in a legal history of race in America.
- On January 28, 2022, the Center partnered with NYU Law’s Environmental Law Journal to co-sponsor [“Free the Land: Land Tenure and Stewardship Reimagined.”](#) This daylong symposium featured a series of conversations focused on land and liberation, and the many connections between land and racial justice. Among other



things, panelists discussed the implications of land decommodification, opportunities to remove land from the private market and foster permanent affordability and shared use, land rematriation, and Indigenous land return, as well as restoration initiatives that work to facilitate the decolonization process.



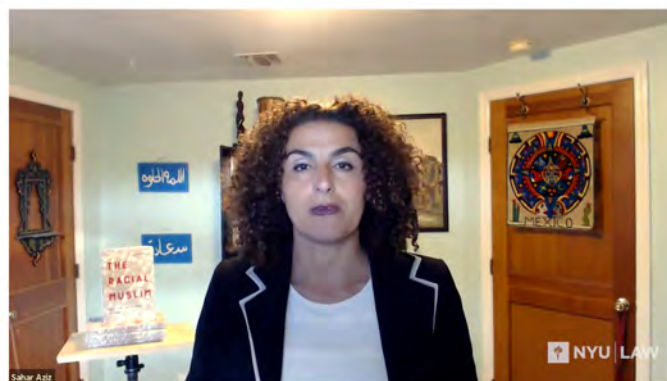
Intersecting Identities: Gender, Race, and the Politics of Supreme Court Nominations

- On February 3, 2022, the Center co-sponsored [“Intersecting Identities: Gender, Race, and the Politics of Supreme Court Nominations”](#) with NYU Law’s Birnbaum Women’s Leadership Network; Law Alumni of Color Association; Center for Diversity, Inclusion, and Belonging; American Constitution Society; Black Allied Law Students Association; Women of Color Collective; and Law Women. The panel discussed the Supreme Court nomination and confirmation of Judge Ketanji Brown Jackson and addressed diversity and inclusion on the Court and the potential implications of Justice Jackson’s confirmation.
- On February 17, 2022, the Center hosted [“Charting the Course Forward: Re-Thinking the Fight for Racial Justice and Beyond,”](#) to commemorate the five-year anniversary of the Center on Race, Inequality, and the Law. Executive Director Jason Williamson moderated an honest and in-depth conversation with three dynamic leaders in the fight for racial justice in the United States. Throughout the event, Williamson and the panelists discussed the daunting obstacles to achieving racial equity

in this country – from housing to healthcare, the education system to the criminal legal system – and outlined strategies for how to move forward. Williamson was joined by Monifa Bandele, Chief Strategy Officer of MomsRising; April Frazier Camara, President and CEO of the National Legal Aid and Defender Association; and Ryan Haygood, President and CEO of the New Jersey Institute for Social Justice.



Charting the Course Forward: Re-Thinking the Fight for Racial Justice in 2022 and Beyond

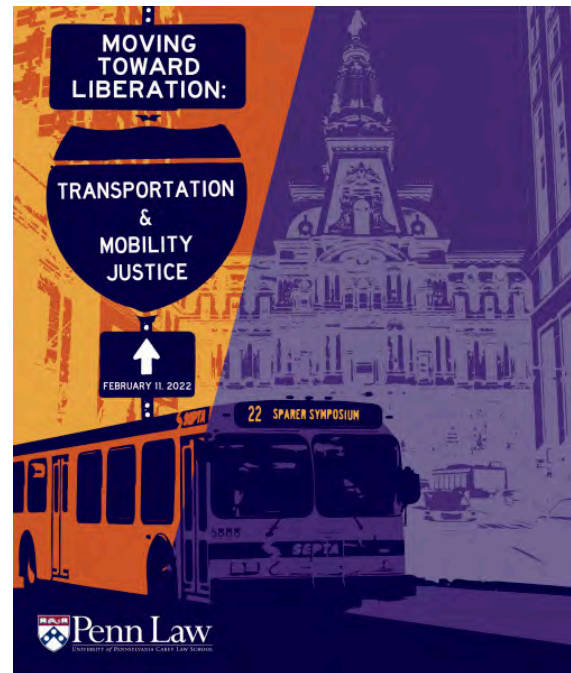


- On April 19, 2022, the Center hosted [“Racing Religion: A Conversation with Sahar Aziz.”](#) Executive Director Jason Williamson and Professor Sahar Aziz held a provocative and much-needed conversation about the long-standing tension between race and religion in the United States, through the lens of Professor Aziz’s groundbreaking new book, *The Racial Muslim*. Among other things, the discussion unpacked the implications of anti-Muslim racism and policymaking in a country built on the idea of religious freedom.

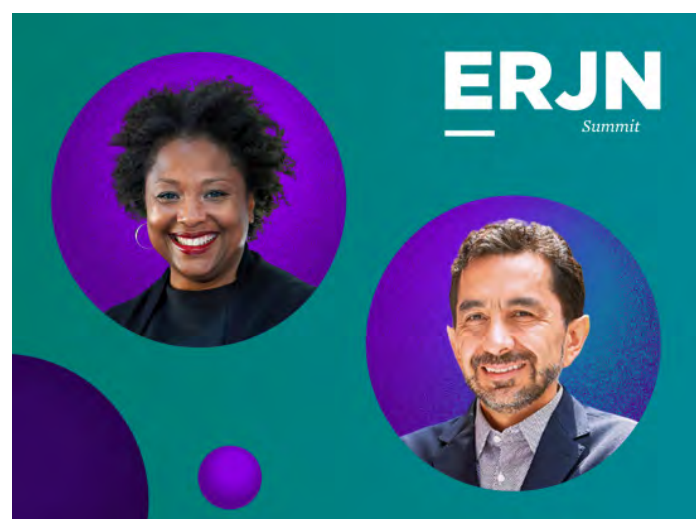
- The Center co-sponsored a screening of *We Still Here/Nos Tenemos* with the Urban Democracy Lab, the Initiative for Community Power and Democratic Engagement, the Latinx Project, the Action Lab, and the Center for Popular Democracy on April 21, 2022. The documentary features youth from Comerío, Puerto Rico, who led historic recovery efforts in the aftermath of Hurricane Maria. After the screening, Gianpaola Baocchi, Director of the Urban Democracy Lab, moderated a discussion between filmmakers Eli and Kahlil Jacobs-Fantauzzi and the documentary's subjects, Mariangelie Ortiz, Jose Ortiz, and Jerriel "Yeyo" Cátala.

### 5.3.2 Presentations by Center Staff

- On December 7, 2021, Center Co-Faculty Director Deborah Archer was featured on a panel entitled, ["Legislative Backlash: Anti-Protest Bills, Voter Suppression Laws and Critical Race Theory"](#) at the American Bar Association Social Justice Policy Summit.
- In December 2021, Center Co-Faculty Director Deborah Archer was a keynote speaker at ["Land of Broken Dreams: Convening & Concert Series"](#) at the Park Avenue Armory.
- In January 2022, Center Co-Faculty Director Deborah Archer was the keynote speaker at the Delaware State Bar Association's [2022 Martin Luther King Breakfast and Day of Service](#).
- On February 10, 2022, Center Executive Director Jason Williamson was featured in the [2022 Review of Law & Social Change Colloquium](#), moderating a panel entitled "Resisting Settler Colonialism in Occupied Lenapehoking."
- On February 11, 2022, Center Co-Faculty Director Deborah Archer delivered a keynote address at the 41st Annual Edward V. Sparer Symposium at the University of Pennsylvania. The symposium was titled, "Moving Toward Liberation: Transportation and Mobility Justice."



- In April 2022, Center Co-Faculty Director Deborah Archer delivered a keynote address at the [Environmental and Racial Justice Network Spring Summit](#), co-hosted by the Office of Global Inclusion, Diversity, & Strategic Innovation at NYU Law; the Office of Sustainability at NYU Law; and the Environmental and Racial Justice Network at NYU Law.





### 5.3.3 In the Media

- Co-Faculty Director Vincent Southerland was interviewed by journalist Bob Herbert about the underpinnings of [critical race theory](#).
- Co-Faculty Director Deborah Archer was interviewed by *The Atlantic* about voting-rights state legislation, and quoted in, "[How Manchin and Sinema Completed a Conservative Vision.](#)"
- Co-Faculty Director Deborah Archer was featured in the *Flint Beat* article entitled, "[The future – and discriminatory past – of Flint’s I-475.](#)"
- Co-Faculty Director Deborah Archer was interviewed by Forbes, sharing "[5 Lessons for Black Women Persevering To Become The ‘First.’](#)"
- On April 5th, 2022, Center Co-Faculty Director Deborah Archer was interviewed on *The Daily Show with Trevor Noah*, as part of the podcast segment, "[How Racism Is Built Into America’s Interstate Highways – Beyond the Scenes.](#)"
- Co-Faculty Director Deborah Archer was quoted in, "[Could the US highways that split communities on racial lines finally fall?](#)," featured in *The Guardian*.
- Co-Faculty Director Deborah Archer was quoted in, "[Supreme Court set to start new term with more opportunities to overturn precedent,](#)" published by *Courthouse News Service*, discussing how recent Supreme Court cases reflect an attack on efforts towards racial equality.



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## 5.4. AMICUS BRIEFS

### 5.4.1 *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College, et al.; Students for Fair Admissions, Inc. v. University of North Carolina, et al.*

On August 1, the Center submitted an [amicus brief](#) in the United States Supreme Court on behalf of the National Black Law Students Association (NBLSA) in support of the Respondents in the two cases challenging race-based admissions programs at Harvard College and the University of North Carolina. NBLSA urged the Court to allow both programs to remain in place, arguing that race-conscious admissions programs benefit not just Black students, but the entire educational community and the general public; that rather than causing harm, such programs have enabled Black students to thrive in diverse educational environments and achieve professional success; and that colleges and universities must continue to rely on race-conscious admissions programs in order to account for the ongoing racial segregation and inequities that continue to infect elementary and secondary education in the United States.



## 6. RACE AND LEGAL EDUCATION

### 6.1. STUDENT OPPORTUNITIES

#### 6.1.1. Fellowships, Internships, and Research Opportunities

The Center [continued to engage students](#) at NYU School of Law through a summer internship program, a term-time fellowship program, and volunteer opportunities. In 2021–2022, the Center hosted five [Paul Weiss Student Fellows](#) during the academic year; one Senior Fellow; two full-time interns over the summer; and a cadre of volunteers. Student fellows were involved in all facets of the Center’s work, providing valuable research on race and inequality, strengthening the Center’s social media presence, authoring blog posts, and more. Volunteer opportunities and support positions were made available on an ongoing basis for undergraduate and graduate students who wish to deepen their understanding of the intersection of race, inequality, and the law.

#### 6.1.2. Reading Groups

The Center staff hosted reading group sessions throughout the year, offering students and other members of the NYU community opportunities to discuss different aspects of race and inequality throughout society. Reading groups included:

- *Race, Injustice, and the American Legal System:* Led by Professor Randy Hertz and Center Co-Faculty Director Vincent Southerland, participating first-year law students explored the historical

origins of racial identity, the underpinnings of institutional racism, and the ways in which race and inequality shape the law and outcomes for individuals. Additionally, participating first-year students reflected on the opportunities, challenges, and potential strategies associated with advancing racial justice, with a particular emphasis on concerns related to criminalization, incarceration, and the criminal legal system in America.

#### 6.1.3. Career Support

In July 2022, Center Co-Faculty Director Vincent Southerland and Center Executive Director Jason Williamson partnered with the Public Interest Law Center at NYU Law to engage with rising 8th and 9th graders from NYC public schools through the [College & Career Lab](#).





## 7. NYU INSTITUTIONAL PARTNERSHIPS

Throughout the year, the Center continued to work closely with the law school's student affinity groups, faculty, and staff to provide training, guidance, and thought partnership on issues of race and inequality. As part of these efforts, the Center continued its annual training with the Lawyering faculty to equip them with approaches and techniques to manage conversations about race and difference in the classroom.

As a member of the [NYU Alliance for Public Interest Technology](#), the Center maintained a partnership with a dynamic and multidisciplinary group of NYU faculty to support the responsible, ethical, and racially equitable use of technology. Through the [Blueprints for Progressive Change in Juvenile Justice](#) initiative, the Center collaborated with NYU faculty to support progressive reform of the criminal legal system's treatment of children. In addition, the Center joined the university-wide Environmental & Racial Justice Network, in order to strengthen its ties with others in the NYU community focused on environmental justice.

Finally, the Center partnered with a wide array of NYU organizations, such as the [McSilver Institute for Poverty Policy and Research](#), the [Meltzer Center on Diversity, Inclusion, and Belonging](#), and the [Center on the Administration of Criminal Law](#) to host events, engage in advocacy, and confront racial injustice. By working with the [NYU Law Review](#), the [NYU Review of Law & Social Change](#), and the [NYU Environmental Law Journal](#) to organize public conversations, the Center also strengthened its relationship with the law school's student body.

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**THE CENTER ON**

**RACE**

**INEQUALITY**

**& THE LAW**

**NYU SCHOOL OF LAW**