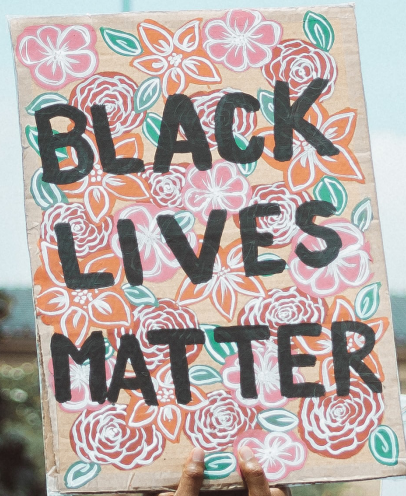


CENTER ON

RACE, INEQUALITY

+ THE LAW



**ANNUAL REPORT
2020-2021**



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THE CENTER ON RACE, INEQUALITY, AND THE LAW: 2020–2021 ANNUAL REPORT¹

LETTER FROM THE FACULTY DIRECTORS

December 2021

In 2020, the COVID-19 pandemic, and the murders of George Floyd, Breonna Taylor, and too many other unarmed Black and brown Americans by police officers across the country, sparked a long overdue national conversation on race and inequality. As 2021 comes to a close, we feel the continued impact of that conversation. As advocates continue to fight for racial and economic justice, we are met with sustained, effective, and empowered opposition. Extreme legislative gerrymandering and laws that would limit voting threaten to further disenfranchise voters of color. Effective political campaigns built on opposition to critical race theory remind us that America's resistance to even acknowledging the truth about racism in America remains the foremost obstacle to overcoming that racism. From education to the criminal legal system, from environmental justice to transportation justice, the fight against racial inequality and for racial justice continues.

In this moment, those of us who would see America finally live up to her founding precepts and meet her potential must be organized like never before. I remain deeply proud of the role that the Center on Race, Inequality and the Law continues to play in that fight.

We approach the work through four lenses. First, we publish and promote original content that advances the conversation about race, racism, and American institutions, centering the voices of people and communities of color. Second, we leverage our expertise and relationships to directly challenge racist policies and institutions through litigation and advocacy. Third, through training and professional development, we support those who are leading the fight for racial justice. And finally, we convene community members, advocates, attorneys, and academics to facilitate productive conversations about the intersection of race and the law and how to challenge the resulting inequality.



DEBORAH ARCHER



VINCENT SOUTHERLAND

¹ This Annual Report covers the Center's activities from September 2020 through September 2021. Last year's Annual Report can be found [here](#).

The Center is well-positioned to lead this work in 2022 and beyond. This year, our former executive director, Vincent Southerland, joined the full-time teaching faculty at NYU School of Law and joined me as Faculty Co-Director of the Center. We were lucky to have Jason D. Williamson join the Center as our new Executive Director this year. He comes to us from the ACLU, where he served for over a decade as a staff attorney and deputy director of the Criminal Law Reform Project. Jason's effective management, as well as his considerable expertise in areas including police practices, pre-trial justice, and public defense reform litigation, will help ensure that the Center remains on the cutting-edge of criminal legal system reform.

We are especially enthusiastic about the Center's new collaboration with NYU's Wagner School of Public Service. Led by Andrew Friedman, the Initiative for Community Power and Democratic Engagement (ICPDE) will combine scholarship, field-building, experiential education, academic conferences, and internships and fellowships to examine inequality, anti-democratic trends, the links between the two—and how to disrupt both. As a founder of the Center for Popular Democracy and Make the Road New York, Andrew has two decades of experience as an effective organizer for social justice. We are thrilled about our collaboration.

In all of our work, the Center continues to benefit from the support and collaboration of a range of partners. In particular, we share our ongoing appreciation to the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, and specifically Brad Karp, Valerie Radwaner, Alan Kornberg, and Danyale Price, for their ongoing partnership. Among other things, the firm continues to support the work of an annual cohort of law student fellows, who have contributed immensely to the Center's anti-racism work. The 2021-2022 Paul, Weiss Fellows, Rochelle Ballantyne, Christine ElDabh, Bailey Jackson, David Jimenez, and Nicole Mo have already been essential contributors to our research and advocacy efforts across all aspects of the Center's work.

On a personal note, 2021 was a bittersweet year for all of us at the Center. After 25 years on the NYU School of Law faculty, the Center's founder and Co-Faculty Director Tony Thompson retired. Tony has been a mentor, advisor, and guide to all of us at the Center. His leadership was invaluable and he will be sorely missed, but we know that his light will continue to shine through our work.

Thank you for your support of the Center on Race, Inequality, and the Law. The coming year will no doubt bring new and difficult challenges. But together, with your support, our fight against racial inequality will continue stronger than ever.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Archer". The signature is fluid and cursive, with the first name "Deborah" and last name "Archer" clearly distinguishable.

Deborah Archer

INTRODUCING OUR NEW EXECUTIVE DIRECTOR



JASON D. WILLIAMSON

In June of 2021, Jason D. Williamson joined the Center on Race, Inequality, and the Law as its new executive director.

Prior to assuming his role at the Center, Jason spent more than 10 years as a staff attorney and deputy director with the ACLU's Criminal Law Reform Project, where he focused primarily on Fourth Amendment, police practices, and public defense reform litigation. Prior to joining the ACLU, Jason worked as a litigation associate at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP in New York, and served as a law clerk for Judge Sterling Johnson, Jr. in the Eastern District of New York from 2007-2008.

He began his legal career in New Orleans in the months following Hurricane Katrina, first as a staff attorney for the Juvenile Justice Project of Louisiana, and later as a staff attorney and founding member of Juvenile Regional Services (now called the Louisiana Center for Children's Rights), which provides legal representation for indigent youth in Orleans Parish Juvenile Court.

Jason also serves as an adjunct clinical professor at New York University School of Law. He received his Bachelor's Degree from Harvard University in 1998, and his J.D. from NYU Law in 2006.





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

2.1. STAFF, 2020-2021

Faculty Directors

Professors Anthony C. Thompson
Deborah N. Archer

Executive Director

Vincent M. Southerland

Administrator

Danisha Edwards

Research Scholars

Steven Demarest (2019–2021)
Sarah L. Hamilton-Jiang (2018–2020)

2020–2021 Law Student Fellows

Isaiah Anderson ('22)
David Jacobs ('22)
Stephanie Kerr ('22)
Sofia Lopez-Franco ('21)
Maya McDonnell ('22)
Alina Tulloch ('22)
Jamie Hin Hon Wong ('22)

2020–2021 Interns

Gabrielle Buchanan ('20)
Regina Fairfax ('20)

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. It infiltrates our laws, institutions, and systems, resulting in enduring racial inequities in every domain and institution that touches people's lives. Racial inequality infects everything, from the criminal legal system to the areas of education, technology, employment, housing, and the environment that shape communities.

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. We believe that the racism that permeates our present-day legal system has deep roots. 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, and rigorously applying a racial lens to analyze unremitting disparities, 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 and reformed, or abolished as a result of legal action, advocacy, research, and training.

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 challenge institutions and systems that perpetuate racial injustice by taking legal action. 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 in 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.

2.4. THEMATIC PRIORITIES IN 2020–2021

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

- Race and Narrative
- Race and the Criminal Legal System
- Race and Technology
- Race, Community Equity
- Race and Legal Education



3. RACE AND NARRATIVE

3.1. PUBLIC CONVERSATIONS

The Center co-sponsored a wide range of events, and our staff and faculty co-directors were featured on a number of panels to share our expertise on broader issues of race, inequality, and the law.

3.1.1. *Black Lives Matter Inc.*

On September 17, 2020 the Center co-sponsored “[Black Lives Matter, Inc.](#),” an annual speaker series event put forth by NYU Law School’s Center for Diversity, Inclusion, and Belonging. Professor Kenji Yoshino, Chief Justice Earl Warren Professor of Constitutional Law and Director of the Center for Diversity, Inclusion, and Belonging, led a conversation featuring Professor Pamela Newkirk, professor of journalism at NYU and author of *Diversity, Inc: The Failed Promise of a Billion-Dollar Business*. Throughout the discussion, Professor Yoshino and Professor Newkirk investigated organizational responses to Black Lives Matter and highlighted what is required on behalf of legal institutions to progress diversity and inclusion efforts.



Professor Pamela Newkirk, professor of journalism at NYU

3.1.2. *Suddenly Silent: Strategies to Speak Up and Stand Out*

Partnering with NYU’s Center for Diversity, Inclusion, and Belonging and the Birnbaum Women’s Leadership Network, the Center co-sponsored an interactive workshop, “[Suddenly Silent: Strategies to Speak Up and Stand Out](#),” on September 21, 2020. The workshop featured NYU law professors Erin Murphy and Melissa Murphy as well as K.M. Zouhary, founder of Cadenza Communications. The workshop offered students tools to address the challenges created by the underrepresentation of women’s voices and perspectives in the classroom.

3.1.3. *Immigration, Equal Protection, and the Promise of Racial Justice: The Legacy of Jean v. Nelson*

In October of 2020, the Center co-sponsored a two-day conference entitled “Immigration, Equal Protection, and the Promise of Racial Justice: The Legacy of *Jean v. Nelson*,” presented by the NAACP Legal Defense and Educational Fund, Inc. and the Center for Human Rights and Global Justice at NYU School of Law.



The Derrick Bell Lecture on Race in American Society celebrates 25 years



3.1.4. The 25th Annual Derrick Bell Lecture on Race in American Society: Race, Violence, and the Word: Living in Uncertain Times

The Center co-sponsored the [25th Annual Derrick Bell Lecture on Race in American Society](#), in partnership with NYU Law's Office of Development and Alumni Relations, on November 12, 2020. The 2020 lecture, entitled "[Race, Evidence, and Police Violence: Seeking 2020 Vision](#)," was delivered by Jasmine Gonzales Rose, professor of law at Boston University School of Law and associate director for policy at the Boston University Center for Antiracist Research. In her lecture, Professor Gonzales Rose discussed the need to eliminate racism in the ways evidence is used in legal proceedings in order to create larger structural change within the American legal doctrine.

3.1.5. Roundtable with BPHA Caucus on COVID-19 in Prisons

On November 17, 2020, in partnership with the Black Puerto Rican, Hispanic, & Legislative Caucus, as well as the Asian Pacific American Task-Force, the Center held a [virtual roundtable](#) to discuss the needs and concerns of incarcerated New Yorkers at high risk of infection from COVID-19. The participants discussed the need to address racial disparities in parole and prison systems, and called on the governor to "grant clemency to incarcerated elders, immunocompromised people, and people within one year of release."

3.1.6. Living the Values of ESG

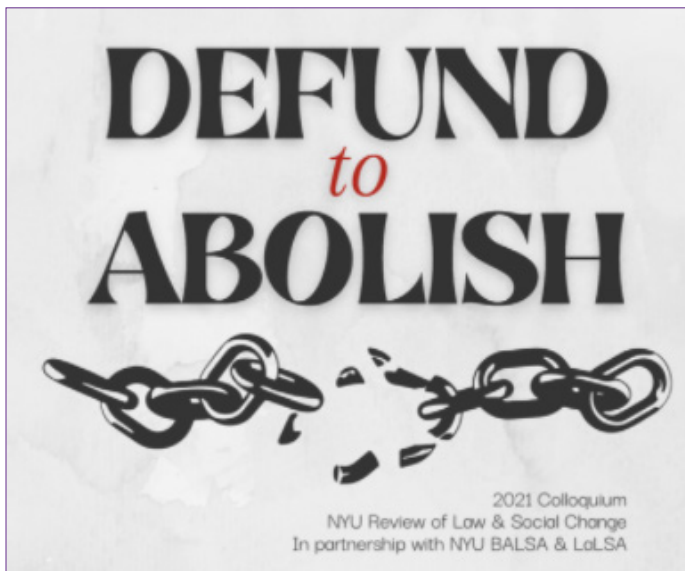
On December 3, 2020, the Center partnered with the law firm of Paul, Weiss, Rifkin, Wharton, and Garrison to host a joint webinar on "[Living the Values of ESG](#)." The webinar, which drew over 150 attendees, was facilitated by Dave Curran, Paul, Weiss Chief Sustainability and Environmental, Social, and Governance (ESG) Officer. He was joined by Deborah Archer, Co-Faculty Director of the Center and Associate Professor of Clinical Law at NYU; Danyale Price, Chief Inclusion Officer at Paul, Weiss; and Thomas Kim, Chief Legal Officer and Company Secretary at Thomson Reuters. The conversation was guided by the question "What does it mean to 'live' the values of ESG within corporate, law school and law firm settings?" and principally looked at this question through the lens of diversity, equity and inclusion considerations and initiatives.

3.1.7. Kenneth P. Thompson Lecture on Race and Criminal Justice Reform

The Center again partnered with the Center on the Administration of Criminal Law to co-host the second [Kenneth P. Thompson '92 Lecture on Race and Criminal Justice Reform](#) on April 14, 2021. Center Executive Director Vincent Southerland and Courtney Machi Oliva, Executive Director of the Center on the Administration of Criminal Law, moderated a conversation featuring Mr. Curtis Flowers. The discussion centered on Mr. Flower's nightmarish ordeal through Mississippi's criminal legal system spanning six trials and more than two decades in prison, his battle for freedom, and the lessons that flow from his experiences for advocates seeking to advance justice.

3.1.8. 2021 Colloquium: Defund to Abolish

The Center co-sponsored the "[Defund to Abolish Colloquium](#)," a series of four panels that took place over the course of two days, from February 9-10, 2021. The colloquium brought together community organizers, legal practitioners, and activist scholars to unpack and explore strategies to defund and abolish the police, and engage with the imaginative possibilities of a police-free world. Significantly, Center Co-Faculty Director Deborah Archer moderated



the second panel, titled “[Abolishing Police Across Intersecting Systems](#),” which highlighted examples of how policing and criminalization show up in major institutions and industries and strategies organizers are using to remove police from these systems and spaces.

3.1.9. Politics, Power, and Women’s Leadership Symposium Program

On March 5, 2021, the Center co-sponsored the Birnbaum Women’s Leadership Networks half-day symposium on “[Politics, Power, and Women’s Leadership](#).” The symposium highlighted policies and legislation to support and help return women to the workforce as we build back better from this “She-cession,” as well as discussed the wide range of ways to sustain and deepen civic engagement in the coming years. The symposium concluded with a keynote conversation between Representative Katie Porter (CA-45) and Melissa Murray, Frederick I. and Grace Stokes Professor of Law and faculty director of the Birnbaum Women’s Leadership Network at NYU Law.

3.1.10. UNAI Digital Dialogue Series: Countering Racism through Education

On March 18, 2021, Co-Faculty Director Vincent Southerland participated as a guest speaker in the United Nations Academic Impact (UNAI) Digital

Dialogue Series titled “[Countering Racism through Education](#).” The webinar examined the ways in which racial disparities were highlighted and exacerbated by the COVID-19 pandemic, as well as the role of higher education in advancing measures to promote racial diversity and inclusion.

3.1.11. Manhattan District Attorney Democratic Debate

On April 15, 2021, the Center co-sponsored the second [Manhattan District Attorney Candidate Debate](#). The debate featured all eight Democratic candidates for Manhattan District Attorney, who discussed their plans if elected with NYU Wagner’s Students for Criminal Justice Reform (SCJR). The debate was moderated by Khalil A. Cumberbatch, a long time advocate for criminal justice reform in NYC and Director of Strategic Partnerships at the Council on Criminal Justice.



Manhattan District Attorney Candidate Alvin Bragg

In addition to the Center’s co-sponsorship of the Manhattan District Attorney Candidate Debate, Executive Director Vincent Southerland moderated the “2021 Manhattan District Attorney Candidate Forum,” hosted by the NYU Law Democrats and NYU’s American Constitution Society Student Chapter, in which students were able to question candidates on their policy priorities and stances on critical criminal justice issues.



4. RACE AND THE CRIMINAL LEGAL SYSTEM

The Center’s portfolio in race and the criminal legal system focuses on addressing the racially biased exercise of discretion at all levels of the criminal system and confronting the taint of racial inequality that drives injustice and unfairness. Our work includes advocacy to advance parole justice, upend systemic inequality, and cleanse the system of the stain of racism while tackling the harmful role that it often plays in communities of color. In addition, the Center provides training and public education and engages in advocacy initiatives that contribute to the elimination of racial disparities in the criminal legal system.



across the nation. Policy proposals that the Center supported included an expansion of parole eligibility for elderly incarcerated individuals (the Elder Parole Act) 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 Act). 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 2020–2021 vital. The Center’s parole-centered work included:

- Parole Justice NY Advocacy Days--monthly meetings with state legislators throughout the legislative session to advocate for support of the Fair and Timely Parole Act and the Elder Parole Act
- In February of 2021, Co-Faculty Director Vincent M. Southerland published an op-ed in the *Times Union* titled “[New York’s Parole System Needs a Racial Justice Makeover.](#)” In his piece, Southerland advocated for parole reform efforts that work to meaningfully address the inherent racial bias within New York State’s system of parole. In particular, Southerland called on lawmakers to pass the Fair and Timely Parole and Elder Parole bills, as well

4.1. PAROLE

The Center continued to engage in the fight for parole reform, partnering with local organizations such as the [Release Aging People in Parole \(RAPP\) Campaign](#), the [Parole Preparation Project](#), and a host of organizations working in coalition through the [People’s Campaign for Parole Justice](#) to advance reforms in New York and



as increase the membership of the Board of Parole from sixteen to nineteen commissioners in order to include individuals who reflect the identities and experiences of incarcerated people.

4.2. 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.

4.2.1. *Trainings for Public Defenders and Civil Legal Aid Organizations*

The Center provided trainings on issues of race and inequality to several organizations whose work is, either in whole or in part, steeped in the criminal legal system. Those organizations included:

- Federal Defender Services of Eastern Tennessee
- Delaware Community Legal Aid Society, Inc.
- New York State Appellate Division, First Judicial Department (court and staff)

4.2.2. *Advocacy on Race and the Criminal Legal System*

The Center partnered with members of the racial justice advocacy community throughout the year to engage policymakers to advance racial justice. The Center's activity included:

- A letter written by Center Research Scholar Steven Demarist regarding the NYPD's Proposed Disciplinary Matrix.
- Testimony submitted to the New York City Civilian Complaint Review Board (CCRB) by Co-Faculty Director Deborah Archer. The testimony provided support for new rules proposed by CCRB empowering the CCRB to investigate allegations of sexual misconduct made against New York City Police Department (NYPD) officers and alleged

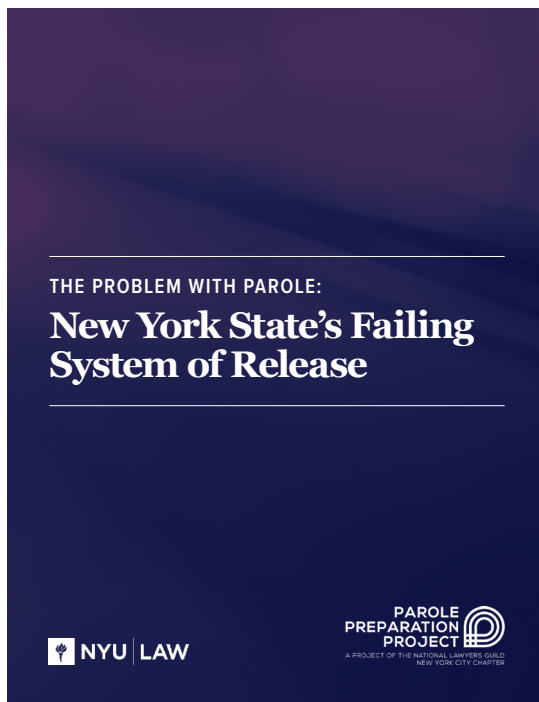
untruthful statements made by NYPD personnel regarding a civilian during sworn testimony or in official documents.

- A partnership with the Campaign for the Fair Sentencing of Youth supporting the “No Child is Born Bad” campaign.
- Signatory to an ACLU Coalition Letter addressed to the U.N. African Group aimed at “ensuring effective accountability for police violence in the U.S.”
- Signatory to an ACLU Coalition Letter addressed to the United Nations High Commissioner for Human Rights, calling for a “United Nations inquiry into U.S. police violence.”

4.3. CENTER PUBLICATIONS

4.3.1. *The Problem With Parole: New York State's Failing System of Release*

In conjunction with the Parole Preparation Project, the Center released a comprehensive report in June of 2021 titled “[The Problem With Parole: New York State's Failing System of Release](#).” Among other things, the report concludes that “the harms of the



system fall most heavily upon people of color, who are consistently granted parole at lower rates than white applicants. Even as New York has taken steps in recent years to reduce the number of New Yorkers locked in cages, racial disparities in parole release persist.” The report further concludes that individuals from the more urban, downstate communities, including New York City, are granted release at much lower rates than those hailing from upstate. In response to this data, the report provides a series of specific recommendations on how the state can develop a more equitable parole system.

4.3.2. *Building Safe, Thriving Communities: Research-Based Strategies for Public Safety*

In October of 2020, in collaboration with the Justice Collaborative and chief prosecutors and law enforcement officials Kim Foxx, Garry McFadden, Stephanie Morales, Marilyn Mosby, and Rachel Rollins, the Center published “[Building Safe, Thriving Communities: Research-Based Strategies for Public Safety](#).” The report examines the way our local criminal legal systems have driven up incarceration rates, disproportionately harmed communities of color, and failed to provide true public safety. Specifically, the

report analyzes sentencing and incarceration policies and law enforcement practices that have created systems of control but failed to treat underlying challenges. The report then lays out a new path for public safety that looks to the comprehensive, research-based strategies in policing, prosecution, and sentencing that some elected and appointed leaders are using to move away from harsh carceral practices and respond to social and economic needs.

4.4. PUBLICATIONS BY VINCENT SOUTHERLAND

4.4.1. “*Good Governance Paper No. 19: The Criminal Legal System — Toward a Paradigm Shift*”

Co-Faculty Director Vincent Southerland authored “[Good Governance Paper No. 19: The Criminal Legal System — Toward a Paradigm Shift](#),” which was published in a series of essays organized by Just Security. In his piece, Southerland provided the incoming presidential administration with a roadmap for reform of the criminal legal system. In particular, Southerland highlighted the importance of a path forward that centers the pursuit of racial justice and is led by those who are aligned with that vision, as well as the adoption of policies that work to dismantle the carceral state within the United States.



4.4.2. “Derek Chauvin guilty verdict in George Floyd’s murder was an exception. Our work continues.”

In an op-ed for NBC News titled “[Derek Chauvin guilty verdict in George Floyd’s murder was an exception. Our work continues](#),” the Center’s Steve Demarest and Vincent Southerland discussed the significance of the conviction of Derek Chauvin for murdering George Floyd. The op-ed considered the ways in which Chauvin’s case was an exceptional one and shouldn’t be taken as a mark of systemic change in the criminal

Neither slavery nor involuntary servitude, ~~except as a punishment for crime where of the party shall have been duly convicted,~~ shall exist within the United States, or any place subject to their jurisdiction.

By Deborah N. Archer, a professor at N.Y.U. School of Law and the president of the American Civil Liberties Union

legal system, in which racist police violence without consequence continues to be pervasive. To build a society safer for all its members, the op-ed concluded, policymakers must reject carceral responses to social problems.

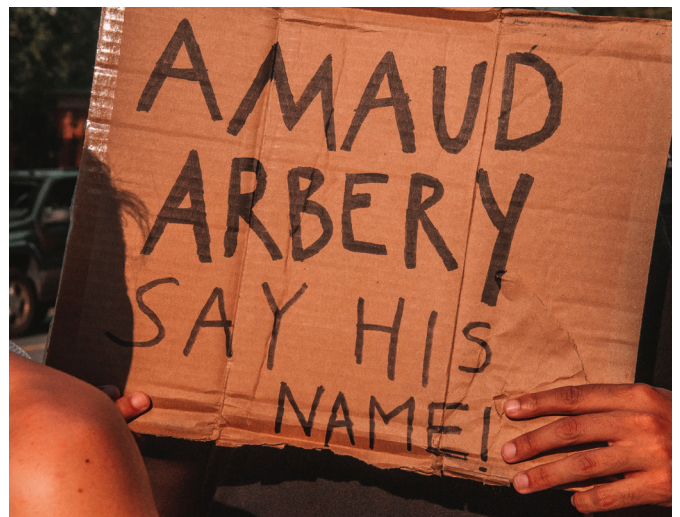
4.5. PUBLICATIONS BY DEBORAH ARCHER

4.5.1. “We the People Have a Few Ideas for the Constitution.”

In an essay included as part of a *New York Times* op-ed titled “[We the People Have a Few Ideas for the Constitution](#),” Co-Faculty Director Deborah Archer argued that striking the 13th Amendment’s punishment clause would “have practical consequences for compulsory prison labor, eliminate a powerful incentive to criminalize Black and brown people and advance the cause of racial and economic justice promised by the amendment.”

4.6. PUBLICATIONS BY JASON D. WILLIAMSON

4.6.1. “The indictments in the Elijah McClain and Ahmaud Arbery cases are revolutionary, and overdue.” In an op-ed for NBC News titled “[The indictments in the Elijah McClain and Ahmaud Arbery cases are revolutionary, and overdue](#),” Executive Director Jason Williamson notes the significance of the indictments handed down against Fire Department officials in Aurora, CO, and a prosecuting attorney in Georgia, for their supporting roles in the cases of Elijah McClain and Ahmaud Arbery, respectively. “As important as it is to punish officers who play direct roles in incidents of police brutality,” Williamson



argued, “in many instances they are not the only perpetrators. They are often supported by a scaffolding of enablers throughout the criminal legal system who also bear responsibility and must be rooted out for transformative change to occur.”

4.7 AMICUS BRIEFS

4.7.1. *Citro v. Lee*

In September 2020, during the height of the pandemic, the Center joined other national non-profit legal organizations and law professors from across the state to file an [amicus brief](#) in New York state court in support of the release of a transgender woman at risk of serious illness or death in the event that she contracted

COVID-19. Among other things, amici argued that the court maintained broad remedial power to protect the constitutional rights of transgender people in prison, and that *habeas corpus* was the appropriate vehicle through which the court could release the petitioner from custody given the extraordinary circumstances created by the pandemic.

4.7.2. *Buffalo Police Benevolent Ass'n v. Brown*

In *Brown*, the Center joined the NAACP Legal Defense and Educational Fund, the Lawyers' Committee for Civil Rights Under Law, LatinoJustice PRLDEF, and Law for Black Lives in filing an [amicus brief](#) in New York state court in support of efforts to increase police accountability and transparency by requiring public disclosure of police misconduct and disciplinary records. The brief was submitted in September 2020, following the national uprisings against police brutality in the wake of the murder of George Floyd in Minneapolis.

4.7.3. *Thompson v. Clark*

In January 2021, the Center joined a number of national, state, and local civil rights, racial justice, and criminal defense organizations in an [amicus brief](#) to the United States Supreme Court, in support of the petitioner, arguing that individuals seeking redress for a Fourth Amendment violation committed against them during the course of a criminal case need not prove that they were *innocent* of the criminal charges against them. Rather, *amici* argued, such individuals need only demonstrate that the criminal charges were dismissed or that the state otherwise failed to prove the person's guilt beyond a reasonable doubt.

4.7.4. *Commonwealth v. Martinez-Peguero*

In a January 2021 [amicus letter](#) to the Supreme Judicial Court for the Commonwealth (of Massachusetts), the Center joined the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law, and Fordham Law School's Center on Race, Law, and Justice to urge the court to reverse a lower court decision allowing prosecutors to use a peremptory strike to dismiss the lone Latino/a

juror from the jury pool. Warning of the dangers of discrimination in jury selection, *amici* argue that “review is warranted so that this Court can examine if courts in Massachusetts are applying *Batson/Soares* in a way that ensures that defendants are able to receive fair trials free from explicit and implicit bias.”

4.7.5. *US v. Knights*

In August 2021, the Center served as lead counsel in the submission of an [amicus brief](#) in the U.S. Supreme Court, along with several other law school centers focused on advancing racial justice. In this case, *amici* argue that, in determining whether a reasonable person feels free to leave an interaction with the police, it is entirely appropriate—sometimes even necessary—to consider the person's race as part of the analysis. As *amici* note, “[t]here is clear evidence that race concretely bears on how a police encounter will play out—including whether a person will actually be allowed to leave the encounter peacefully.” As such, *amici* urged the Court to grant certiorari and reverse the lower court's decision.

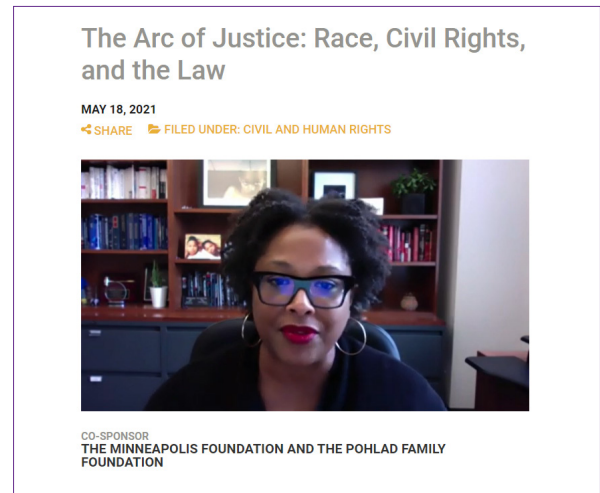
4.7.6. *Sorenson v. Commonwealth of Massachusetts*

In July 2021, the Center joined lead counsel from the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, along with the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law, to file an [amicus](#) in the U.S. Supreme Court in support of the petitioner's argument that the area immediately outside of an apartment should be considered “curtilage” for Fourth Amendment purposes, thereby providing greater protection from police incursion to those who live in apartments rather than single family homes. Among other things, *amici* point out the disproportionate impact the current rule has on people of color, who are more likely to be apartment dwellers.

4.7.7. *Texas v. Wells*

In early September 2021, the Center filed an [amicus brief](#) in the Texas Court of Criminal Appeals in support of the petitioner’s request for post-conviction habeas relief. During the penalty phase of Mr. Wells’ criminal case, his attorney inexplicably argued that, as a Black man, Mr. Wells was predisposed to criminal behavior, drawing on a particularly harmful brand of pseudoscience that has long since been debunked. Predictably, Mr. Wells was subsequently sentenced to death. As *amici*, we argue that this dangerous stereotype around supposedly innate Black male criminality has existed since this country’s founding and must not be given credence by the court. As such, we argue that justice demands Mr. Wells’ death sentence be overturned.

- On May 18, 2021, Co-Faculty Director Professor Deborah Archer spoke at the Westminster Town Hall Forum, titled “[The Arc of Justice: Race, Civil Rights, and the Law.](#)”

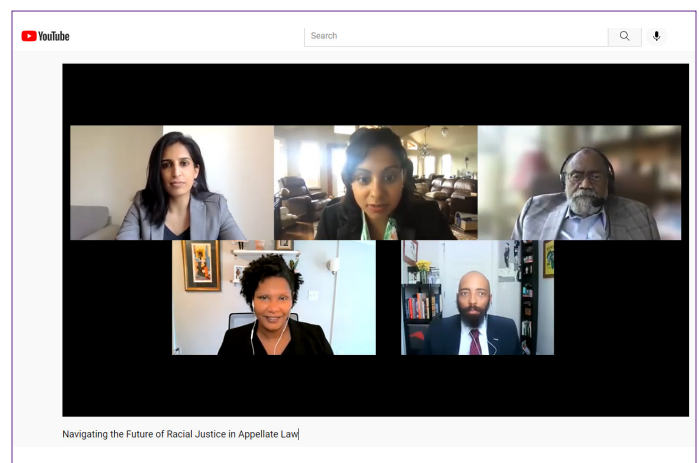


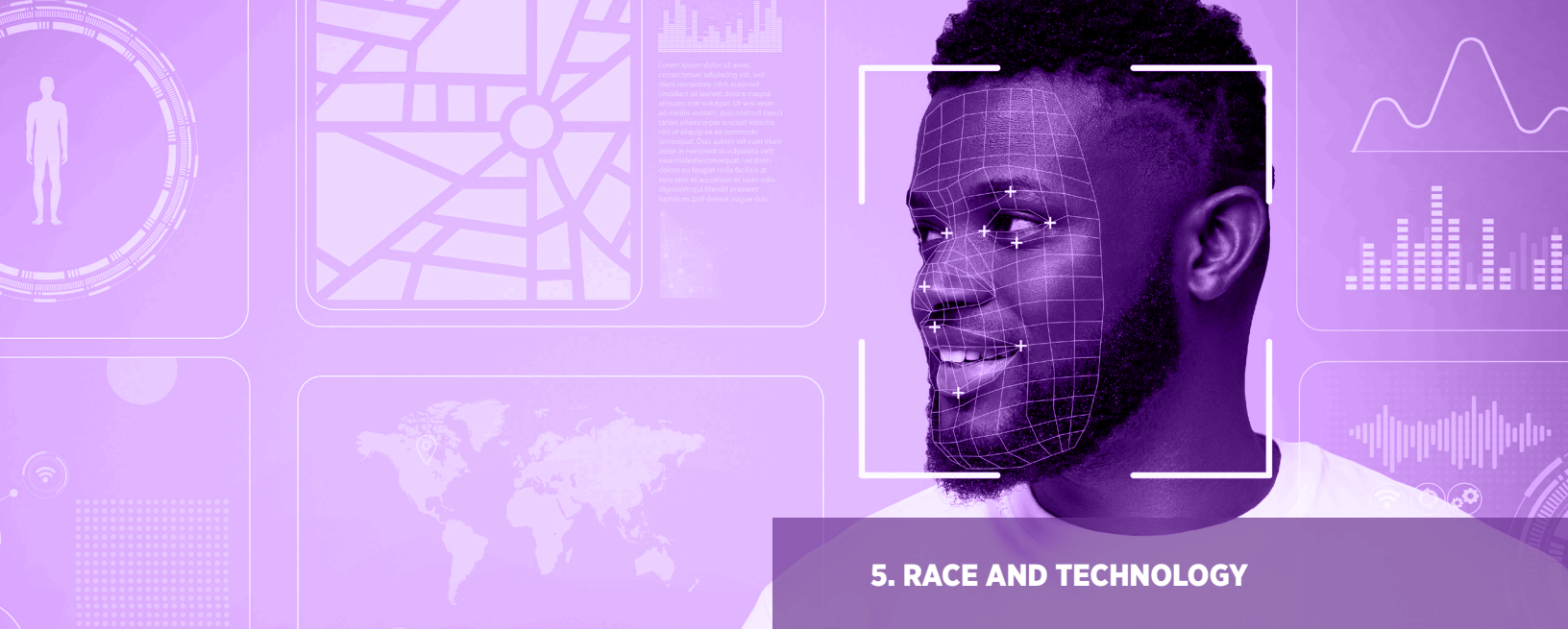
4.8. PUBLIC EDUCATION

4.8.1. *Presentations by Center Staff*

- Center Co-Faculty Director Vincent Southerland delivered the keynote address at the National Employment Lawyers Association’s “[Trial Boot Camp: Tip The Scales for Workers](#)” in October of 2020, focused on incorporating racial justice into policy advocacy.
- On Thursday, January 7, 2021, Co-Faculty Director Professor Deborah Archer delivered the keynote address at the Franklin H. Williams Judicial Commission’s virtual town hall, titled “[Dismantling Systemic Racism in the Courts.](#)”
- On April 22, 2021, Co-Faculty Director Professor Deborah Archer was featured in part two of the Gwendolyn S. and Colbert I. King Endowed Chair in Public Policy Lecture Series at Howard University, titled “[Preserving Our Democracy: From the Ballot Box to the Rule of Law.](#)”

- On May 25, 2021, Executive Director Vincent M. Southerland was a panelist in the American Muslim Bar Association’s presentation, “Navigating the Future of Racial Justice in Appellate Law.”
- On July 21, 2021, new Executive Director Jason D. Williamson served as a panelist for Part III of the National Black Prosecutors’ Association’s Police, Prosecution and Power Series, entitled “The Power of the Prosecutor.”





5. RACE AND TECHNOLOGY

The Center engages in advocacy, research, and public education to mitigate the harm of algorithmic tools in both 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, including the Privacy NY Coalition led by the Surveillance Technology Oversight Project (S.T.O.P.), and has participated in a host of public-facing events to advance racial justice in this area.

5.1. TESTIMONY AND POLICY ADVOCACY

The Center provided public testimony and advocated for public policy measures to prevent racial discrimination from being reproduced by technological tools. The Center’s activity in this realm included:

- The submission of [testimony](#) to the New York City Council Committee on Technology by Co-Faculty Director Vincent M. Southerland regarding Bill 1894, legislation designed to regulate the use of automated employment decision tools in New York City.
- Signatory to a letter addressed to Sundar Pichai, CEO of Google, on the “[Need for Improved Transparency on ‘Geofence’ and ‘Keyword Warrants.’](#)”

- Signatory to an advocacy letter titled “[Civil Rights Concerns Regarding Law Enforcement Use of Face Recognition Technology.](#)”
- Signatory to an [open letter](#) written by AlgorithmWatch calling for a “global ban on biometric recognition technologies that enable mass and discriminatory surveillance.”

5.2. PUBLIC EDUCATION

5.2.1 Presentations by Center Staff

- On November 10, 2020, Co-Faculty Director Vincent Southerland participated in a policy

roundtable co-organized by the Cybersecure Policy Exchange at Ryerson University and Tech Informed Policy at McGill University. Throughout the discussion, a variety of stakeholders evaluated the implications of



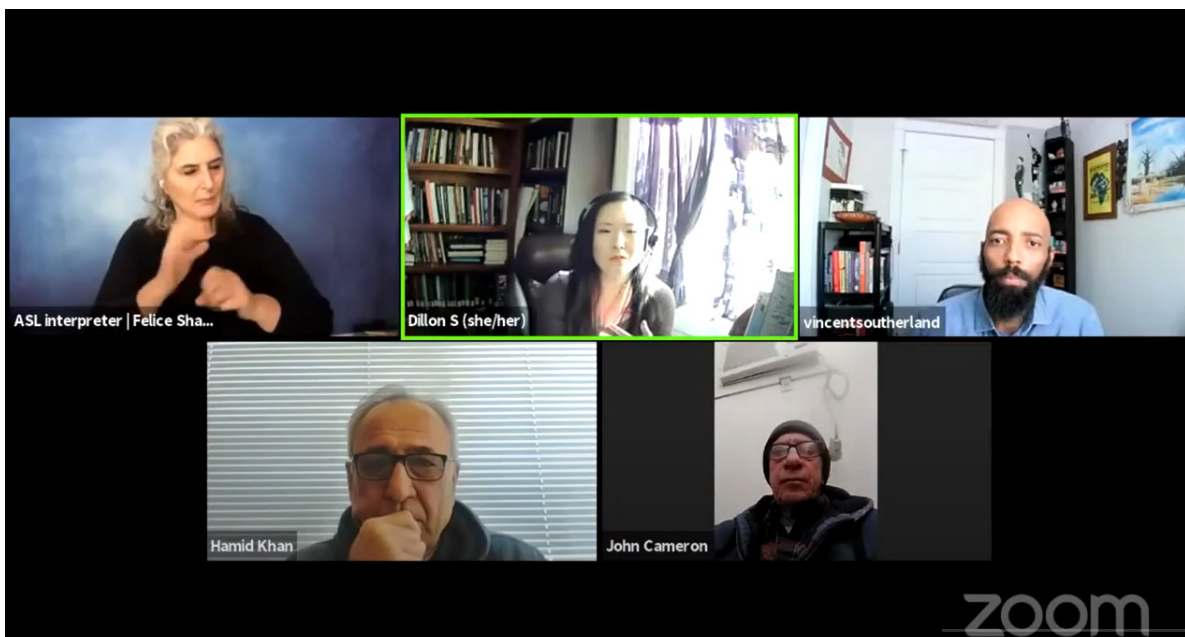
the prohibition on the use of facial recognition technology by public sector organizations in Canada, leading to the publication of a summary

report of the event titled “[Facial Recognition Technology Policy Roundtable: What We Heard.](#)”

- On January 20, 2021, Co-Faculty Director Vincent Southerland participated in a seminar titled “[Blind Justice: An Exploration into the Ways Personal Characteristics Affect the Administration of Justice in American Courts.](#)” Specifically, Southerland spoke with Professor Bryant Walker Smith, journalist Karen Hao, Professor Sean Hill, and Kevin De Liban, Director of Advocacy at Legal Aid of Arkansas, in a conversation titled “Discrimination in the Age of Algorithms,” a discussion of the intersection of implicit bias and risk assessment in technology.
- On January 29, 2021, Co-Faculty Director Vincent Southerland served as a panelist in the “2021 Civil Rights Etouffee,” produced by the FBA’s Civil Rights Law Section. At the event, Southerland participated in a discussion titled “Back to the Future: Artificial Intelligence and Civil

Rights,” which focused on the connection between algorithmic tools and litigation.

- In February of 2021, Co-Faculty Director Vincent Southerland, with Dillon Sung and Hamid Khan, presented “[State Sanctioned Surveillance and Creative Opposition: Community Organizing in Digital Space.](#)” The conversation, sponsored by Eyebeam, centered on an analysis of the connection between surveillance technology, race, and the criminal justice system.
- On April 1, 2021, Co-Faculty Director Vincent Southerland participated in a panel discussion hosted by the University of Pittsburgh titled “[Algorithmic \(In\)Justice.](#)” Throughout the event, the panel evaluated how technology can act to further marginalize minority communities while further highlighting the ways in which preventative action can be taken to mitigate the risks of unregulated technology.



Co-Faculty Director Vincent Southerland, with Dillon Sung, PhD student, and Hamid Khan, organizer with the Stop LAPD Spying Coalition, presented “State Sanctioned Surveillance and Creative Opposition: Community Organizing in Digital Space.”



6. 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, meaningful access to opportunity, and so much more. People of color are often disadvantaged by racial dynamics and public policies that have created hostile environments around them. As such, 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, scholarship, and public education.

6.1. PUBLICATIONS

6.1.1. Good Governance Paper No. 16: Legislating Racial Equity Impact Studies in Transportation and Infrastructure Policy

In October of 2020, Co-Faculty Director Professor Deborah Archer authored “[Good Governance Paper No. 16: Legislating Racial Equity Impact Studies in Transportation and Infrastructure Policy](#),” which was published in a series of essays organized by Just Security. In her paper, Archer identified transportation policy and infrastructure development as key drivers of inequality and racial segregation, arguing for systemic reform on the eve of a new presidential administration.

6.1.2 Transportation Policy and the Underdevelopment of Black Communities

In March of 2021, Co-Faculty Director Professor Deborah Archer published “[Transportation Policy and the Underdevelopment of Black Communities](#),” in the Iowa Law Review. In her paper, Archer argued that “utilizing civil rights laws is necessary to dismantle traditional power systems and discrimination at the intersection of race, class, and place in America.” Additionally, Archer stressed that in order to ensure the development of Black communities receives the same attention as white communities, “we must address historically embedded and systemic racial inequality and re-envision civil rights law as a tool for community equity to break the chains of government-sponsored and government-sanctioned underdevelopment.”

6.2. PUBLIC EDUCATION

6.2.2. In the Media

- Co-Faculty Director Deborah Archer was [interviewed](#) on NPR’s Morning Edition. She discussed the ways racism has shaped transportation policy and infrastructure over the course of history and how that, in turn, has created and perpetuated racial inequality.

6.2.3. Presentations by Center Staff

- On January 6, 2021, Co-Faculty Director Professor Deborah Archer was a panelist at the American Association of Law School’s Annual Meeting, titled [“White Terror, Then and Now: The Future of Race and Racism in Light of the Ku Klux Klan Act of 1871.”](#)
- On February 17, 2021, Co-Faculty Director Professor Deborah Archer delivered the keynote address at Villanova University School of Law’s Annual Martin Luther King Jr. Lecture, titled [“Creating Dr. King’s ‘Beloved Community.’”](#)
- On April 8, 2021, Co-Faculty Director Professor Deborah Archer was a featured speaker at the [Black Women Lead Equity Forum](#), hosted by All in Together and the Oprah Winfrey Network.
- On April 15, 2021, Co-Faculty Director Professor Deborah Archer delivered the 11th Annual David H. Bodiker Lecture on Criminal Justice at the Ohio State University Moritz College of Law, titled [“Jim Crow in the 21st Century: Policing-Based Housing Policies, Racial Segregation, and Mass Criminalization.”](#)
- On April 22, 2021, Co-Faculty Director Professor Deborah Archer delivered [“Protecting Communities from Pandemic Fallout,”](#) as part of the 2021 Collision Conference.

6.3. AMICUS BRIEFS

6.3.1. *Collier v. Dallas County Hospital District*

In conjunction with an array of social science experts, law professors, civil rights organizations, and other race equity scholars, the Center filed this [amicus](#) in the United States Supreme Court in March 2021 in support of the petitioner, arguing that the use of the “N-word” in the context of the workplace—even on just one occasion—creates a hostile work environment, particularly for Black employees. Among other things, the brief discusses the significant mental, emotional, and physical effects that the use of the word can cause.

6.3.2. *Mahanoy Area School District v. B.L.*

In March 2021, along with nearly 40 other organizations, the Center joined the Advancement Project and Juvenile Law Center in their submission of this [amicus](#) to the United States Supreme Court. Here, amici argued that extending a school district’s authority to regulate student speech that occurs off campus would have serious First Amendment implications, and that such a policy would have an unfair and disproportionate impact on students of color and other vulnerable populations within the school community.

6.3.3. *Kwayne Lindsay-Small, Jr. vs. Rukaiya Habib*

In June 2021, the Center collaborated with other centers and institutes at law schools across the country focused on racial justice to file an [amicus brief](#) in the California Court of Appeal in support of petitioner Rukaiya Habib, who, after seeking legal protection from her long-time abuser, was further victimized by a legal system infected by racism and a particular—and longstanding—bias against Black women. Among other things, amici argue that implicit bias and unconscious stereotyping can, and often does, have an impact on the perceptions of Black women in the context of family court, leading courts and others to question their credibility even where evidence of their victimization exists.

6.3.4. *Aji P. v. Washington*

In collaboration with the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law and the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, the Center filed an [amicus brief](#) in the Supreme Court of the State of Washington in June 2021 in support of the petitioners. Here, amici argued that the lower court’s view of the political question doctrine was overly expansive and would prevent courts from correcting constitutional violations committed by political actors. Amici point to the significant and necessary role played by the judiciary in the fight for desegregation in the wake of the U.S. Supreme Court’s decision in *Brown v. Board of Education*.



7. RACE AND LEGAL EDUCATION

7.1. STUDENT OPPORTUNITIES

7.1.1. Fellowships, Internships, and Research Opportunities

The Center [continued to engage students](#) at NYU School of Law through a summer fellowship program, a term-time fellowship program, and volunteer opportunities. In 2020–2021, the Center hosted six student fellows during the academic year, including the inaugural class of [Paul Weiss Student Fellows](#); two full-time student fellows over the summer; two undergraduate interns; and a host of volunteers throughout the year. 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 are available for undergraduate and graduate students who wish to deepen their understanding of the intersection of race, inequality, and the law.

7.1.2. Reading Groups

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

- *Race, Injustice, and the American Legal System* – Led by NYU Law Professor Randy Hertz and 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.





8. 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.

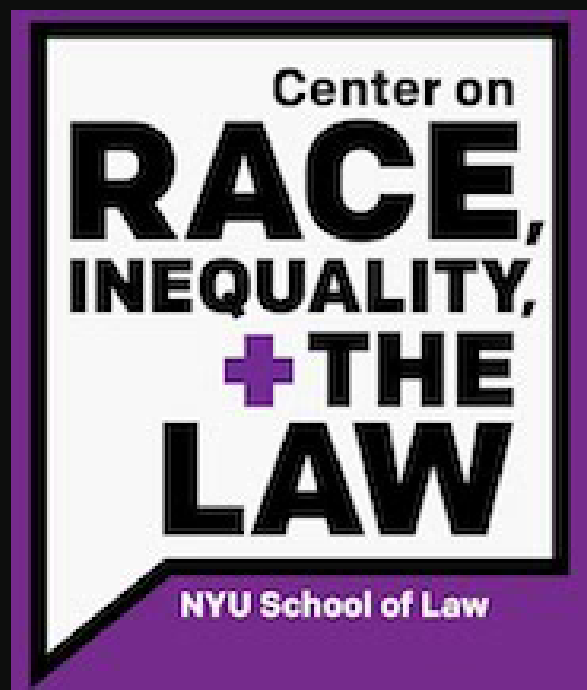
Finally, the Center partnered with a wide array of NYU-based organizations, such as the [AI Now Institute](#), the [McSilver Institute for Poverty Policy and Research](#), and the [Center on the Administration of Criminal Law](#) to host events, engage in advocacy, and confront racial injustice. By working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

ACKNOWLEDGMENTS

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RACE,
INEQUALITY,
+ THE
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