

Dear Concerned Students,

We write in our individual capacity and not on behalf of the institution to explain where the Administration's community email, *The College is Committed to Academic Freedom and Free Speech*, does not represent our priorities or articulate our commitments to providing you an equitable learning environment.

First and foremost, we condemn the recent comments from Ilya Shapiro regarding President Biden's commitment to nominate an African American woman to the Supreme Court. We find Shapiro's tweet unequivocally racist and misogynistic. We refuse to remain silent in the face of white supremacy. We wish you did not have to live in a society where vile, hateful, and ignorant speech directed towards communities of color is a regular occurrence.

While the Administration's statement mentions in passing the pain experienced by communities of color the past two years, it does not discuss the law school's role in perpetuating the marginalization of our current students. We are aware from conversations with our students of color over the years, and particularly our African American students, that they do not experience UC Hastings as a welcoming learning environment. As professors, we are committed to combating the implicit and explicit messaging UC Hastings students of color too often receive that they are being tolerated instead of embraced and valued. We recognize that these unwelcoming messages are expressed in the doctrines we teach, the context we may fail to provide when teaching them, in the comments made by some community members, and in an environment where so few of UC Hastings faculty and administrators share the life experiences of so many of our students or meaningfully engage in understanding them.

We write to affirm your right to an educational environment where you are nurtured as students and where you can thrive as future lawyers. We strongly believe in the essential value of free speech in an academic setting. We also recognize that context matters because speech does not exist in a vacuum; it happens within the context of unequal power and structural inequalities. Moreover, we understand that statements of commitment to diversity and inclusion ring hollow when salient issues of racial equity are ignored or discounted in the service of prioritizing the ideal of free speech.

UC Hastings has much work to do before a speaker such as Ilya Shapiro could represent just an abhorrent point of view, instead of appearing to be yet another painful reminder to students of color that the institution—through its actions and inactions—fails to convey that students of color belong here as full-fledged members of our community. We sincerely hope that the Administration will continue to work to gather a deeper understanding of the experiences of students of color and provide student leaders with the appropriate guidance and resources for engaging in productive dialogue meant to edify the diverse community that we are so lucky to have at this university.

In solidarity,

Mark Aaronson
Alice Armitage
Alina Ball
Richard Boswell
Betsy Candler
Veena Dubal
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James Higa
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