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INTRODUCTION

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On June 6, 2020, organizers anticipated a Black Lives Matter (“BLM”) protest in Jackson, Mississippi, to draw a group of about four-hundred protestors. Instead, participation swelled to a crowd of over four-thousand at the Governor’s Mansion, becoming one of the largest protests in the State’s history.¹ This protest reflected the wider state of race relations in the nation. Mississippi did not sit idly by as the national conversation on race grew louder and took on increasing urgency—especially after the events of the previous month. May 2020 served as a flashpoint in the conversation when protesters around the country began to organize in direct response to the police killing of George Floyd, an unarmed Black man, in Minneapolis, Minnesota.² The expansive media coverage of the protests once again focused the attention of the nation on conversations about race and the racial injustice ever-present in the U.S. justice system.

The specter of racial injustice haunts Mississippi while the state simultaneously confronts more modern notions of racial injustice, too. From the enduring effects of slavery to the web of systemic racism, Mississippi’s tumultuous relationship with race takes on a deeper significance and presents even more issues. It is with these issues in mind that the *Mississippi College Law Review* organized the 2021 Symposium: “Racial Justice in Mississippi: What Happens Next?” During the June 6, 2020, protest in Jackson, co-organizer Maisie Brown said, “If Mississippi is ready for change, then everybody is ready for change,”³ and the Symposium’s central theme grew from those words. If Maisie Brown is right and we really are ready for change, then we owe it ourselves to seriously consider, as the Symposium title challenges us, “what happens next?”

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¹ See Adam Ganuchau & Kayleigh Skinner, *‘If Mississippi is ready for change, then everybody is’: Historic crowd of thousands packs streets of Jackson to protest racial inequities*, MISSISSIPPI TODAY (June 6, 2020), <https://mississippitoday.org/2020/06/06/live-updates-black-lives-matter-protest-in-jackson/>.

² See *George Floyd is killed by a police officer, igniting historic protests*, HISTORY (May 25, 2020), <https://www.history.com/this-day-in-history/george-floyd-killed-by-police-officer>.

³ Ganuchau & Skinner, *supra* note 1.

The virtual Symposium took place on April 9, 2020, and featured two panels of distinguished speakers.⁴ Judge Carlton Reeves of the United States District Court for the Southern District of Mississippi opened the Symposium's first panel, "A Conversation on Race, Law, and Current Events." In his opening remarks, Judge Reeves noted, "[Racial injustice] is a timely topic, and a timeless topic. You can do this topic every day in Mississippi and not cover all that needs to be covered." He is right; the cumulative history of racial injustice—especially in Mississippi—cannot be summed up comprehensively over a few hours of discussion. The faculty, staff, and students of Mississippi College School of Law and the participants in this Symposium aimed to shine light into dark places by engaging in thoughtful and challenging dialog to further the fight for equality that began over sixty years ago. Following Judge Reeves's opening remarks, the discussion was handed off to the panelists: Professor Daria Roithmayr, Professor Julian Miller, Dr. Michelle Deardorff, and Professor Louwlynn Williams.

Professor Roithmayr began the discussion by explaining how structural racism and generational poverty are intertwined. Her experience as a public-school teacher allowed her to highlight the relevance of funding discrepancies in public education that occur along racial lines. This lack of education serves to widen the wealth gap, which—along with disparity in mortgage lending, racial steering, and more—further segregation. Professor Roithmayr showed how both the racism inherent in our system and poverty create a feedback loop.

Passing to Professor Miller, the discussion turned from the public school system to the racial injustice present in higher education. Professor Miller discussed how racial funding issues limited access to higher education for Black students while also impacting the quality of public education for Black students. Specifically, Professor Miller made clear that the commodification of education is probably the most significant bar to obtaining access to higher education for Black students and that the education system needs significant reformation.

Following Professor Miller, Dr. Deardorff moved the discussion toward issues in the law and the ways in which the legal system reinforces structures of oppression. Dr. Deardorff continued Professor Miller's theme of access, illustrating how it applied in the law. From equal protection under the law to fair housing, Dr. Deardorff discussed how economic factors resulting from commodifying the legal system have impacted the justice system, exacerbating the effects of both structural racism and generational poverty.

⁴ A recording of the Symposium can be viewed at <https://www.youtube.com/watch?v=JRLqI-ZpuJg>.

Professor Williams then covered inequality in the criminal justice system. From her experience working in post-conviction, she illustrated how the existence of an “equal” law does not imply fairness. For example, defendants are no longer provided representation for post-conviction after direct appeal; yet, post-conviction petitions are dependent on evidence not previously introduced, and evidence cannot be gathered from a prison cell. In order to form an effective petition, the incarcerated person would have to hire their own attorney, which, as we’ve learned, many are unable to do. These issues also exist in numerous other situations, a few being workplace discrimination where many witnesses are afraid to speak out, and disparity in plea deal offers to Black defendants. On paper there is access to justice, but in reality there is not. Professor Williams emphasized that until our laws are actually equal for everyone, we will not have equal justice.

The second panel, “Where Do We Go From Here?,” featured Judge Winston Kidd, Dr. Francoise Hamlin, Attorney LaToya Jeter, and Professor Emilye Crosby. The panelists discussed the past, present, and future fight for racial justice.

Native Mississippian Professor Crosby looked to the past to plan for the future. As an example, she mentioned the fight for voting rights in the Mississippi Delta. Fannie Lou Hamer was a plantation worker from Montgomery County, Mississippi, who became integral in the voting rights movement and the passing of the Voting Rights Act of 1965. Professor Crosby noted that ordinary, everyday people like Hamer have and will continue to make change against all odds. We still face the same problem: “...who has all the power and how are they using it?” But, as Professor Crosby reminded the audience, important work still happens on the streets, and movements in small towns and counties can force local change.

Dr. Hamlin agreed that local movements are as important today as they were in 1965. Her work in Clarksdale, Mississippi, showed her that each area has its own unique issues and needs, and that there is not a “one-size-fits-all movement.” She explained that movements must be based on a group of small, local efforts that connect and share ideas between themselves. However, these movements’ lifeblood are young people, and without a proper education on this history, the youth will not understand the importance of ongoing battles for equality. In her experience in Clarksdale, Dr. Hamlin observed that many residents deny civil rights history, or only embrace the parts that are profitable for tourism without enacting any meaningful change. Dr. Hamlin explained that schools must teach the accurate history of civil rights and racial injustice, and that we all need to have these ongoing conversations in our communities.

Judge Kidd also believes there will be no real end to injustice if the past is not acknowledged. As a Circuit Court Judge, Judge Kidd has

firsthand experience of how inequality affects those in the justice system. He discussed how implicit racial bias denies Black people equal access to justice. Because of implicit bias, many Black people are given less leniency and longer sentences. Judge Kidd believes there needs to be consistency in sentencing, and without consistency there is no fairness. He also proposed more programs and alternative sentencing. In his work in the drug court program, non-violent offenders that suffer from addiction are given a chance to turn things around. He has seen how programs like it can hold defendants accountable, help them get back on track, and even save their lives. But, the program cannot help without equal access to justice. Black addicts are more often presumed to be criminals instead of addicts, and many never get the opportunity to participate in this program. Judge Kidd remarked, “Judges, prosecutors, and the legal community at large must first educate themselves and painfully examine their own racial biases.” As Judge Kidd emphasized, without acknowledging the past and examining these biases, we cannot move forward.

Attorney Jeter, co-founding partner of Brown Bass & Jeter, PLLC, continued the discussion of implicit bias. She explained that implicit biases come up often in employment discrimination cases, echoing Professor Williams’ sentiments that they are, indeed, difficult to prove. Attorney Jeter described the many situations in which citizens’ constitutional rights are being overridden, such as qualified immunity for police officers and other government employees. In addition to these problems, Attorney Jeter believes education and classism play a large role in racial injustice. She commented that people cannot afford the opportunities they need to escape poverty—a “catch-22.” She believes that more youth outreach and education will allow young people to continue to fight.

In conclusion, the hard work of progress must continue in both our State and country. We must continue to be persistent to address injustice and confront hate when and where we find it, whether it be in our laws or in ourselves. The Symposium marked a good effort toward making progress. In asking us to consider “what happens next?,” it allows us the space to demonstrate a commitment to the highest ideals of our nation. Indeed, the stakes could not be higher in the struggle against racial injustice. Perhaps said best during the protest at the Mississippi Governor’s Mansion by Calvert White, Vice President of Alcorn State University’s chapter of the NAACP, “America is only as free as the people of Mississippi are free!”⁵

⁵ Nick Judin, *Historic Protests For Black Lives Sweep Mississippi Over Weekend*, JACKSON FREE PRESS (June 8, 2020), <https://www.jacksonfreepress.com/news/2020/jun/08/historic-protests-black-lives-sweep-mississippi-ov/>.