



PennState

To the Penn State Community:

I was raised on the idea that free speech was the single most important right that protected our democracy and prevented us from taking a path to tyranny and dictatorship. I was raised on the belief that only by testing our ideas and words in the marketplace of society could we make progress as a people. And, decades ago, I joined marches and watched how those rights and beliefs translated into a profound change in our society. In the time of Martin Luther King Jr., the outpouring of public opinion shamed those who issued racist comments and ensured that the George Wallaces of the world would be remembered as angry, hateful and racist. Sadly, it did not end racism; it did not end hate; and it did not end the unfortunate need of the weak to try to lift themselves by denigrating others. I still hope that such a world is possible. The words of the vast majority at least seemed to shame the ugly. And I know that because of this history, the attitudes of my students, faculty and staff today are so different from the attitudes when I was a student. We take pride in our students' message, "You are Welcome Here," and we take pride in our history of "We play all or we play none. We are Penn State."

Yet now is a time of great sadness and great frustration. Hate speech is becoming normalized and weaponized. We can post vile comments on social media and find others who amplify that hate. For those who post, hate is then supported by others who hate. What once might have been a comment made out of ignorance and weakness to a few can now reach all of us. No university is immune. That doesn't make it less painful. In recent days, several appalling incidents of hate involving people in the Penn State community have surfaced. We must acknowledge the pain, anger and frustration that such events have on our friends and colleagues. And, as much as we want it to stop, we cannot exact a legal punishment without both violating the law or giving up the rights that protect our democracy. Honor codes provide expectations, we can work to educate and condemn, but most speech is outside of our rights to sanction.

We also know that racism and hatred, normalized and weaponized, yields an inexcusable cost to life, liberty and property. The killing of George Floyd should be enough proof of this point, but his life is just the most recent example. The guilty must be punished. But that is not enough — George Floyd's story is the product of racism, not its cause. We have not remained silent, nor will we, in the face of this heartbreaking reality. We have engaged in research, service and educational initiatives that tackle these issues. We have planning underway to do more, as we prepare to welcome members of our community back to our campuses. As an institution of higher education, we have an obligation to fight ignorance and intolerance, model inclusivity and embrace the power that diversity represents. We

must make hate speech and racism ugly again. We can only do that when the voice of Penn State and others is so loud that it is clear that the voices of racism among us are not supported, not part of We Are, and are neither normal nor accepted.

I have read that one of the clear attributes of great leaders is empathy — the ability to place yourself in the shoes of others. Below, I include just one of the many Penn State messages that have gone out to our community; this from a dean to her community. I ask you to please read it, put yourself in her shoes, join me in condemning racism and think about what more our university can do to create change.

Dear Dickinson Law Community,

I will disclose to you what I am experiencing as a Black woman living through a pandemic that is killing our brothers and sisters, and yes, disproportionately killing our Black brothers and sisters. I will disclose to you what I am experiencing as a wife to an African man and mother to a Black son, fighting the paralysis that handcuffs me when they leave my sight. I will disclose to you what I am feeling as a veteran who has served her country for 27 years because I am a patriot, but hearing a president discount me for my race and my gender. I will disclose to you what I am feeling as the daughter of a dead father who was a police officer who bled blue and perpetrated many of the ills we rebuke in this very moment. I will disclose to you what I am experiencing as a Black woman leading at Penn State Dickinson Law where students, staff, faculty and administrators are working at this very moment to act to support vulnerable members of our community. Today, I am a member of that vulnerable group. And while I would do anything to shield you from this pain, it is likely that you may one day be vulnerable too.

I am exasperated, disconsolate and infuriated by seemingly never-ending acts of overt and covert racism as well as near impenetrable institutions in American society that build their foundations on the degradation of black bodies and psyches. Racism is an incessant malady and a scourge to all of humanity. In this way, not one of us is safe.

All of this said, I stand on the right side of justice knowing who I am and from where I come. I stand on the shoulders of my ancestors who are also your ancestors—the Emmet Tills, the Steven Bikos, the Pauli Murrays, the Frederick Douglasses, the Ida B. Wellses, and on and on. I stand with allies who use their privilege to place a human shield between justice and injustice. I stand up and speak out, knowing that it places me and my beloved family within the sights of those who have lost their humanity. I stand and persevere because to do otherwise would be to give up on humanity and the power and the promise of the rule of law.

I will disclose this last truth: I believe in each one of you and your individual and collective abilities to use this moment and the skills you are learning as law students to banish injustice, inequality, racism and sexism. You are the reason I can compartmentalize my fears and bracket my breaking heart. We have the power to

stop killing Black people. We have the power to stop weaponizing white privilege against Black people. We have the power to protect Black mothers from the constant assaults on their psyches that come from knowing their Black sons' bodies can be snatched from their arms.

We have the power to love one another, to respect one another, and to be decent to one another. We now need the will.

I remain always in service to you, to my country, and to the rule of law.

*Danielle M. Conway
Dean and Donald J. Farage Professor of Law
Dickinson Law
The Pennsylvania State University*