STATEMENT

BY THE UNDERSIGNED EDITORS OF VOLUME 97

On May 27, 2020—two days after the murder of George Floyd by police in Minneapolis, Minnesota—professor and former judge Michael McConnell, the author of one of the following Articles,[1] used the n-word in a class at Stanford Law School while reading a quotation he attributed to Patrick Henry.[2] As members of the first legal journal to publish Professor McConnell since May 27,[3] the undersigned editors of Volume 97 of the *Washington University Law Review* condemn Professor McConnell's use of the n-word in the classroom. We believe that the use of this word in the classroom is unacceptable and unnecessary, as it significantly disrupts the learning environment and places a burden on Black students that other students do not face.

In publishing this statement, we seek to balance our own condemnation of Professor McConnell's action with the academic freedom that we, as members of a journal committed to publishing a diversity of competing ideas, unequivocally support. Nevertheless, Professor McConnell's action comes amidst a national reckoning on systemic racism, white supremacy, and police violence in the United States, and his use of the n-word—no matter the setting—cannot be divorced from this larger context. We apologize to our readers, especially the Black members of the Washington University community, whom the *Law Review* has hurt by publishing Professor McConnell's work.

We also recognize that we cannot denounce Professor McConnell's action without taking a look inward at our own failures to support our Black peers. As a journal, the *Washington University Law Review* has consistently failed to support Black voices, both through the scholarship that we choose to publish and through our membership, which is overwhelmingly white. Moving forward, leaders within the Volume 98 Editorial Board[4] of the *Washington University Law Review* will:

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1. Michael W. McConnell, *Freedom of Association: Campus Religious Groups*, 97 WASH. U. L. REV. 1641 (2020).

2. Nick Anderson, *A Stanford Law Professor Read a Quote with the N-Word to His Class, Stirring Outrage at the School*, WASH. POST (June 3, 2020, 6:24 PM), https://www.washingtonpost.com/education/2020/06/03/stanford-law-professor-read-quote-with-n-word-his-class-stirring-outrage-school/.

3. Professor McConnell's Article was originally delivered as a keynote address at a symposium on the Religion Clauses at Washington University School of Law in January 2020.

4. Some members of the Volume 98 Editorial Board met virtually on June 16, 2020 to develop the action items outlined here. At this meeting, the Editor-in-Chief, Chief Articles Editor, Chief Notes Editor, and Chief Executive Editor dedicated themselves to these reforms in their respective areas of journal operations.

- Revise the *Law Review* handbook to explicitly forbid discriminatory conduct and subject members to the journal's disciplinary sanctions should they engage in such conduct
- Hold trainings during early fall and spring semester orientations to educate Staff Editors and Editorial Board members on the ways in which the *Law Review* has functioned to uphold racist, sexist, heterosexist, classist, and ableist power structures and to highlight the importance of diversity and inclusion to our journal work
- Establish required readings[5] for *Law Review* members that confront biases and misconceptions about the impacts of diversity initiatives in the legal world and beyond
- Institute training for Notes Editors on how to provide productive feedback on student Notes, with an emphasis on supporting BIPOC Staff Editors in the Note writing process
- Seek Articles authored by BIPOC scholars and Articles concerning racial justice for publication
- Increase publication pathways for Staff Editors and other BIPOC students at Washington University School of Law by accepting student submissions to the *Washington University Law Review Online* and compiling resources on submitting for publication in other journals
- Promote diversity among members of the Note Selection Committee to ensure that the team selecting student Notes for publication reflects a range of backgrounds, experiences, and viewpoints
- Expand current programs providing Bluebook training and comment writing tips to make the Write-On process more accessible to all students
- Revise all Editorial Board position descriptions to include responsibilities for advancing diversity and inclusion efforts in their respective areas of journal operations
- Formalize a Diversity, Equity & Inclusion Committee to ensure that the *Law Review* realizes all of the above commitments and continues to implement additional reforms

While the Volume 98 Editorial Board can only commit to these actions for themselves, the undersigned encourage all successive volumes to continue to reflect upon and dismantle the ways that the *Law Review* upholds racist systems that harm our BIPOC editors and peers. In that vein,

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5. For a possible required reading, see Adam S. Chilton, Jonathan S. Masur & Kyle Rozema, *Affirmative Action in Law Reviews* (Dec. 3, 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3295334.

the undersigned remain open to ongoing conversations about diversity and inclusion and are receptive to feedback from our members and others in the Washington University School of Law community about how the *Law Review* can improve.