Eva Paterson

SPEAKER:

Eva Paterson is president of Equal Justice Society, which works to transform the nation’s consciousness on race, using law, social science, and the arts. In this capacity, Eva has been a trailblazer in litigating implicit bias, and now after the election, also fighting more explicit forms of bias. She recently joined the legal advisory board for the campaign to Impeach Trump Now. She also puts out a weekly email called “This Week in White Supremacy,” which I highly recommend.

Before that, Eva has devoted her career to fighting white supremacy, serving previously as the executive director of the Lawyers’ Committee for Civil Rights for 13 years. And was the vice president of the ACLU national board for eight years, and the chair of the Equal Rights Advocates board and the San Francisco Bar Association Foundation board. She currently serves as the co-chair of the California Civil Rights Coalition. I’m so thrilled that Eva accepted our invitation today. Please join me in welcoming her. (Applause)

EVA PATERSON:

Thank you, wow. That’s really nice. Thank you. I thought on a Friday afternoon there’d be three people here, so this is very—and I thought, I won’t take it personally. And I see some of my classmates here. I think I remember us being in here for a constitutional law class with Jesse Choper, who I held in high regard until I heard his views on affirmative action. And I was quiet for two years and decided I would speak up during that class.

So anyway, I’m glad to be here at my alma mater. When we came here we called it Boalt Hall. But we later learned that Boalt was a horrible, horrible person who was behind the Chinese Exclusion Act. I also heard from my friend who’s a Dean at University of California Hastings. At Hastings, the person Hastings used to go out and hunt Indians, so I think we have our own California version of Confederate statues that we have to look at. It’s really hard not to call it Boalt, because you remember when we applied, Boalt it had this cachet, but can’t say it anymore, so it’s Berkeley Law.

The other thing that’s interesting after hearing you all speak about affirmative action, is when we entered the class here in 1972, there were 30 black students in our class, 30. The year after race consciousness was—I know, don’t have a heart attack, although I think there’s a defibrillator over there. And I think as many Latino students as well. One of the interesting things was is I think half
the class was women, which was very unusual at the time. And our class was frightening because there were—I think the median age was like 31. There was a person who’d been a physics professor at Princeton who was in our class. It was just terrifying. And I remember in one class, our professor was a South African when apartheid was going on. And he used to make these hypotheticals that were very racist, but you couldn’t quite put your finger on it. You knew they were racist, but you couldn’t say anything, and you would kind of take it.

And it was also the first time in my life I’ve ever felt that I was stupid because I was black. It was an unusual experience for me. I’m a military brat. I went to school with white people. I did very well and it was the first time I felt people looking down at me because I was African American. It was a horrible experience. However, it helped me understand my clients later on, particularly the black firefighters who we represented. I understood how they felt.

I also remember after anti-affirmative action initiatives Prop SP1 and SP2 were passed, Maria Blanco and I came to a rally. Herma Hill Kay was the dean and she was just mortified. She was standing against the wall. And if she could have blended into the wall, she would have. And it felt like there was a force field outside Berkeley that said, “No blacks, No Latinos welcome here.” It was a very difficult time, so I’m glad to see black, and Latino, and Asian American, and Muslim, and Southeast Asian folks here.

I was so delighted to be invited to come here. And I’ve been bragging about your journals on— in fact, in my away message I list every journal. And people go, that’s really cool. So I’ll just say it again, the Journal of African-American Law & Policy, the Asian-American Law Journal, the La Raza Law Journal, and the Journal of Middle Eastern and Islamic Law, if any of you are associated with those journals, could you stand or raise your hands? Yay. (Applause)

You can’t know how proud it makes me to have been asked to speak by all of you. It just touched me deeply. And it’s also important that we address the issue of white supremacy. It’s very timely.

Just yesterday the Anti-Defamation League reported that white supremacists are targeting campuses for recruiting with propaganda. They said in the last semester there were 147 incidents of recruitment propaganda. They’re trying to come on the campuses, get people on their side. So I want to talk about that. A second theme that I really want to touch on and that is the role of students, particularly the role of law students. Because you can feel very disempowered when you’re in law school, and I want to talk about the fact that you should not embrace that point of view at all.

I want to tell you a little bit first about my organization, the Equal Justice Society. My social media people tell me that I should tell you I’m on Twitter and my handle— is the right thing— is @evapaterson, one T in Paterson. And they say follow me on Twitter.

We got started in the late 1990s because the courts were getting packed with very right-wing people. We have some fabulous judges here today, but the
Reagan, Bush, those folks decided that the courts were a little bit too fair, so they started packing them with ideologues who are anti-affirmative action, anti-choice, pro funding money in campaigns, and the like. In addition, we felt that the civil rights community was in silos, race people here, sexual identity people here, environmental people here.

And we felt that we needed to embrace a common vision in the kind of parlance of Bayard Rustin, who talked about the grand coalition. We call our work the grand alliance, because we think we’re trying to create a better world for all of us and for all of our issues, and we have to have each other’s backs, which is why we’ve been spending a lot of time today pushing back against this nonsense from Devin Nunes trying to undermine the [Robert] Mueller investigation.

Those of a certain age find it very ironic that we are defending the FBI these days. There’s profound cognitive dissonance, but as Bill Burton said, “No permanent enemies, no permanent friends, just permanent interest.” And I think that’s kind of a touchstone for today. So we’re working on that because we don’t want to have a country that moves towards fascism and authoritarianism. And that’s certainly what we’re seeing with Trump, and he’s having white supremacy underpin his movement.

The spiritual godfather of the Equal Justice Society was Charles Hamilton Houston. He was the dean of the Howard University Law School. He was appointed in 1929 when the Depression was starting. Howard University had been a commuter school. And he was told by the president of Howard University, Mordecai Johnson, that he wanted to really elevate Howard University Law School and have it become a first-rate law school.

I want you law students to take this in. Do not feel powerless. You don’t get the right to feel powerless. You may be catching hell with Pennoyer v. Neff. Is that in classes still? The rule against perpetuities? Mm-hmm. You may feel bad. I felt bad for three years. You get over it. But you’re very privileged. You have power. You have the ability to influence jurisprudence.

One of Charles Hamilton Houston’s students was Thurgood Marshall. Thurgood Marshall went to Howard because he couldn’t get into the University of Maryland because it was segregated. Charles Hamilton Houston was a brilliant guy. He was a filmmaker, a pianist, he had been a lieutenant in World War I. He really didn’t want to be a lawyer, but he was a lawyer. And he decided that the educational inequities for black students were horrible, and he wanted to do something about it. He felt one of the reasons for this was official apartheid, as articulated in Plessy v. Ferguson.

Now, if you look at your history, there were other people doing great things for Latinos. There’s a Westminster case out of the Ninth Circuit which helped desegregate and eliminate Mexican schools in California. There was Mamie Tape who challenged Chinese schools in San Francisco. Many people see the race issue as a black/white paradigm. I think that’s much too limited. And that’s
why I was particularly glad to be invited by all the journals, we’re all in this together.

We feel we’re in hard times now with white supremacists walking with hoods and tiki lamps and killing people at demonstrations. People just very proud that they are white supremacists.

But think about what Charles Hamilton Houston and Thurgood Marshall were facing back in the day. People were being lynched. And I know there are people of color who are being harmed physically, but lynchings were so bad that outside of the NAACP offices in New York City they hung a sign, a flag saying something to the effect of, a black man was lynched today. So there were things that were really, really horrible. There was formal apartheid, de jure segregation under Plessy versus Ferguson.

There’s a book that I read after I graduated from Berkeley Law called Simple Justice. If you have an opportunity to read it, read it. Because I thought Brown v. Board of Education just popped up in 1954. It was one case that just popped up. In fact, it was the result of a several decade strategy that was in large part driven by law students.

Now, I’m going to talk about white supremacy, but I need to put on your minds and on your hearts, as law students you have power. And don’t just think, oh, poor me. Because Thurgood Marshall was a law student. Apparently he used to drink and play craps, so you can do all the other crazy stuff you like, but he also was helping Charles Hamilton Houston come up with legal theories that ended up with the landmark case of Brown v. Board of Education.

When I talk to Kimberly, who works in our office, she said one of the things that she hopes law students will be is bold, and you’ve got to be bold, particularly in these times. We need you. We are at war now with some very dangerous, powerful people. They expect to wear us out, to demoralize us, and to make us feel we can’t fight back, but we can. If Charles Hamilton Houston, Thurgood Marshall, Constance Baker Motley, Jack Greenberg, Robert Carter, all those folks fought back, in the era where the President of the United States invited the Supreme Court to the White House to watch Birth of a Nation—and they liked it—if they felt strong enough to fight, then we must as well.

I was trying to think about the genesis of white supremacy. And I’m thinking about some of the analysis that’s done around implicit bias. And that is that at our very nature, early man and woman, we were in tribes. It was survival of the fittest. It was about domination and competition. And so there was something kind of bred into us to kind of look down on other people, and in that way build yourself up.

And I think this kind of starts the beginning of white supremacy, ageism, tall-ism, all kinds of things. If you had to have a pecking order, I think early man was just trying to survive in any way that they felt that they could be one up over somebody else, that was a way to do it.
I don’t quite understand why Africans were picked on for the slave trade. I understand that there was slavery in many cultures. And one thing I want to say that’s very painful, but I want to say this because we just don’t want to say it’s all white people who do this kind of stuff, but there were Africans selling Africans into slavery, and we’ve got to acknowledge that.

So you’ve got the slave trade, which is in large part based on a notion of white supremacy. If you’re better than slaves, then certainly you can enslave them, kidnap them, kill them, beat them. There’s also the white supremacy and the genocide of Native people. Think about some people coming from another country. They see this land called America.” Oh, we think we’ll make this our own, and we’ll go about killing everybody who’s here. That had to have a lot of white supremacy in it.

Years ago, I had heard that the Catholic Church said black people have no souls and that’s why we can be sold into bondage. I did a lot of research on this. Well, that’s kind of a lie.

But I did look at some other places too to try to find some information. I wanted to sound all erudite, but I don’t want to lie. But I couldn’t find any place where it was said that the Catholic Church said black people have no souls. My friend, Shauna Marshall, who is a scholar and has looked in many places, said she could not find that, but she did think that the Church of England upheld and supported white supremacy.

What I could find was this. It was more complicated than that. It looks like the church turned a blind eye to slavery and to what was going on. They also looked to the Scripture. I found this one passage where Paul, who was the person who spread the word of God and of Jesus around the world, he had a slave returned to somebody and the church said, “Well, because he had the slave and it didn’t say in the Bible that it was bad for him to have a slave, then slavery must be alright”

So the church did support it. And most people in early America were very religious and spiritual people. If the church thought it was important and cool to keep slavery, who was going to speak out against it? I must say, though, that the church did get its act together over time and did realize that slavery was wrong and very much was in the vanguard of the abolitionist movement. But in looking at the genesis of slavery, I think it’s important to look at the role that religion plays in it.

Somebody once said that the most segregated place on earth is our churches on Sunday morning, because different races don’t usually go to church with each other. This is important, particularly if you look at current day manifestations of bigotry, in that the evangelical movement supports Trump, supports all the crazy stuff that he did. If Obama did one of the things that Trump was accused of, he would be tarred and feathered and dragged out of the White House. But the evangelicals don’t seem to have any problem with [Trump].
I don’t totally understand where white supremacy comes from, but I know that it’s here. What I do understand is the political manifestations of white supremacy. And I look back at history for this. In early America, there are a lot of people who were indentured servants, white people and black people. And you could work off your indenture. However, the first slaves arrived in 1619 in Jamestown. And many of them were indentured servants. However—and this disturbed me because we often think the South is terrible, the North is great, but slave laws were passed in Massachusetts in 1641 and Virginia in 1661.

Something shifted in our national consciousness where we thought white people can work off their indentured status, but black people were going to be enslaved and taken away.

Now, here’s something else that I think is really important in our historical development. After the Civil War, poor white people and slaves started forming coalitions. And this is when you saw white supremacy rearing its ugly head again. Because the basic notion of the planter class was, “uh-oh, if these people team up together, there’s going to be big trouble.” The basic notion was, well, you may be poor, but you’re not a nigger.

And that has carried through to today. And I think this has a lot to do with Trump’s ascendancy. A situation where it was in the interest of the powers that be to divide poor people based on race and to infuse the society with the notion that white people are superior to black people.

Let’s fast forward to 1964. We’ve got Lyndon Johnson getting the Civil Rights Act of 1964 passed. The folks in the South, John Lewis, Martin Luther King, and others were very much behind all that. But when Johnson signed the Civil Rights Act of 1964 he said, we’re giving the South to the Republican Party. And that’s exactly what happened.

A few years later, George Wallace ran. He’s the governor who famously stood in the schoolhouse door the University of Alabama, and said “segregation now, segregation forever.” He decided that he could run on a white supremacist platform. And he really put the fear of God into the Democratic Party. He got a lot of votes. Two years later, our good friend, Richard Nixon, John Mitchell, and others decided that they would do something that they would call the southern strategy. And this is real important to understand how we got to the re-manifestation of white supremacy today.

They decided there was already a split in the South, where whites were moving from the Democratic Party to the Republican Party. They thought they would fan those flames by talking about things like law and order. I know Professor Haney López’s research is on coded language. They used encoded language like “law and order”, “welfare cheats”, and then the drug laws were enhanced. And if you read people talking about that now, they’ll tell you, “we did that to put hippies and black people in jail.”

And it’s very interesting our good friend, Jefferson Beauregard Sessions, wants to come into California and mess with the marijuana laws. Sessions wants
to use the drug laws and get them enforced again. That’s all about putting more people of color in jail, straight up, straight up. And it’s about white supremacy.

In 1980 you’ve got Ronald Reagan running for office. He initiates his candidacy in the Neshoba County. Those of you who know history know that three civil rights workers, Goodman, Schwerner, and Chaney, were beaten and burned and killed in Neshoba County. It was no mistake that he kicked off his campaign there. Now, I’m just like a total news nerd, and I’ve been reading a lot about Paul Manafort. Turns out Paul Manafort was part of this move on the part of Reagan to kick off his campaign in Neshoba County. These folks have been moving and grooving with each other for years. They’re the same old evil folks who keep popping up.

And we hope God doesn’t like ugly, and these people get their comeuppance. But I found it was very interesting that Manafort was part of this as well. He spoke in not so coded language, was more blatant. He talked about young bucks on welfare and welfare queens. Just horrible stuff. Once again, trading on white supremacy. So, what we are seeing with Trump is not new. It’s part of the political playbook. It’s a wedge issue. It’s a way to stay in power, and it’s something that his worked effectively in American politics for many years.

Something that people don’t talk about much is the 2000 election. Do you remember Katherine Harris? Do you remember her taking black people off the voting rolls in Florida? Enough people were taken off the voting rolls to give the election to Bush. Well actually, the Supreme Court gave it to him. But if you think about if fairness had come about in 2000, we would have had President Gore. We would not have had Roberts. We would not have had Alito. We would not have had Citizens United. We would not have had Shelby County v. Holder, which kind of just torpedoed the Voting Rights Act. The notion that black people are not entitled to vote and should be taken off the voting rolls directly played into what happened in 2000 and has led to the veil of tears that we’re in right now.

It’s important to understand how white supremacy has played out over time. Another piece of this, the Tea Party. I think the Obamas just freaked out a lot of white people. It’s like they were thinking, “wait, you told me I may be white, but I’m not a nigger, but there’s a nigger who’s a president.” And I think people just have been undone by that. And I think what you’re seeing with Trump is a lot of blowback to the fact that people just could not deal with this incredible family and this brilliant black person in the White House.

I don’t know if you saw David Letterman’s new show, but when Obama walked out, I just started crying. I had my issues with him. He wasn’t perfect. But oh my god, wouldn’t you want both of them back? Their biggest scandals were that he wore a tan suit and her arms were too jacked up. But I think Obama really freaked people out. It upset the equilibrium. And what many people have said, not just me, is that it’s not make America great again, it’s make America white again. Because people don’t like to see black people doing so well. You
saw people calling Obama a Kenyan. That he wasn’t really American. To go back to the spiritual and religious piece of this, there were Christians who actually said, Obama is the Antichrist. And this may sound just crazy, but this was being said. The notion that a black person could not have that much power, and he must be a foreigner, or he must be the spawn of the devil is kind of an extreme way to deal with the fact that there are plenty of bright black folks.

So now you’ve got Trump. One of the privileges of my organization is I can say the president of the United States is a white supremacist, racist liar. Other people don’t seem to be able to say that plainly. He is. Now let’s trace his history. We’ll kind of leave his father and grandfather away—apparently, his grandfather left Germany, but couldn’t go back because he had evaded military service. Bone spurs, anyone?

But think about the things that Trump has done and said. He said he didn’t want black people counting his money in his casinos because we’re lazy. He wanted the people with the yarmulkes counting the money. What? He also was prosecuted for housing discrimination in his rental units in New York. The Central Park Five, he thought they should be executed. Even after they were found innocent, he never backed off his position that they were guilty. He really came to prominence with the birther movement, the idea that this president, this brilliant man really wasn’t an American, he was a Kenyan. Then his campaign. And I know many of us thought, “oh, this buffoon, he’ll never be president.” And then at some point, some of us went, “well maybe this is going to work out.”

But remember him gliding down the escalator talking about Mexicans as rapists. He talked about banning all Muslims from the country. One of my favorites is he said, “all you black people, your lives are just hell. Your lives are just hell.” And I was laughing because I’m in a black woman’s reading group, and one woman was going off to sail on a yacht in the Mediterranean. Our friend Shauna was on her way to Paris. And I was thinking, “this is hardly hell.” But he doesn’t know black people, and he has this notion that we’re all struggling and pitiful. The same thing he feels about Mexicans, and Sikhs, and Muslims.

Then we had Charlottesville where he equated the Nazis and the white supremacists, with the people protesting against such outrages. You have his comment of calling certain countries shithole countries. And then I was thinking about this as I was preparing my remarks, I don’t know if you remember this particular rally, but I believe it was in Kentucky.

And there was a young, plump black woman in green, who they were trying to get out of the rally because they didn’t like her. And they were pushing her. One deranged white man to another, just pushing her, pushing her. And what went through my head is these people think the Civil War was never fought. They think they can just do anything with a black woman’s body. And that to me it just embodied what his supporters are like.
Now, I’m sure there are some people who are decent people. I don’t think I believe that.

[Laughter] It was very important to see that because it showed me how some of his supporters feel about black people. The other thing just as an aside, but I think it’s important to say, on Twitter I saw this one quote right after he got elected that said, “if you want to know what you would have done in the early days of Nazi Germany, look at what you’re doing now.”

And that stuck with me, because if you think of some of the things that are going on, people getting deported—people who have been here forever—people being victimized, people going on buses asking people for their papers when there’s no requirement to ask for people’s papers. And I said it in a piece I wrote, I watch all the Nazi movies that I can to kind of learn what the patriots were doing to fight back. But it just feels very similar, and we want to make sure never again, so we’ve got to stay on our job.

OK, so one of the things I really like about this conference is that you’re going beyond tiki torches and hoods, and you’re looking at how white supremacy gets ossified into structural racism. The panels that you had were very important. We talk about immigration, but we’re not talking about deporting people from Norway. Au contraire, we’re talking about deporting brown people. And so the immigration debate I think is around that philosophy.

And if you look at Stephen Miller, who’s a really scary-looking cat, and he’s one of the people driving the immigration policy. And if you read anything about him, he has a long history of racism in his background. And that racism is getting translated into policy. You have brown people, Muslims being targeted for being kept out of the country. And a lot of that, I think, is driven by white supremacy.

You’ve got the gentrification in San Francisco. Whenever I go to San Francisco, I look for a black person. It has to do with class as well. And San Francisco is fabulous. I wish I could afford to live there, but a lot of it has to do with pushing black and brown people out of the city. So I am glad that you’re talking about that.

Also education inequities. I’ve been involved in a case in Bakersfield where black and brown kids are disproportionately suspended and expelled. If you’re suspended or expelled for a day your chance of graduating just plummets. But it has a lot to do with implicit bias, stereotypes about black kids. What I might do might scare somebody. We are seen as scary, and particularly, black and brown men are seen as scary. Plus you’ve got people down in that school district who say things to Latinos like, “you really don’t want an education. You just want to work it the fields.” And once again, work in the fields, there’s no harm in that, but one should not assume that that’s what a Latino person wants to do.

I’m so glad you talked about race conscious remedies. One of the advantages that I think of race conscious remedies and affirmative action is I get to walk back in here with my law degree. I run an organization where I can call
the president of the United States a white supremacist, racist liar, and part of that is because I have a Berkeley Law degree and it opens certain doors.

I’m a military kid. I don’t come from poverty, but I think you want to have black and brown people from all social strata levels in this institution, just as you primarily have white people from all social strata. So I think having panels about how white supremacy can be turned into public policy is very important and very astute on your part.

After I talked to students last Friday, I called Comcast because they screwed up my system somehow. And there was a man who appeared to be black on the phone, and I went, “hey brother, thank you.”

He went, “what, what?”

And I said, “hey, brother.”

He said, “I don’t get people saying that to me very much.”

We got into a conversation and I talked about black history, and he said that he tries to let his kids know about history. And I think that’s very important, because one of the ways that white supremacy is kept in place is by denying the history of other civilizations and other racial groups and ethnic groups.

50 years ago, black students at Northwestern took over the bursar’s office to get a lot of things. We got all our demands met in three days, and so we thought the revolution was coming in four days, perhaps. But one of the things that we got was a black history class at Northwestern. And the teacher was a man named Lerone Bennett who wrote a book called Before the Mayflower.

And I thought I was well educated, but in the book— and this has stuck with me for 50 years— I heard of the civilizations of Benin and Kush. I had no—and I get emotional just thinking about it because I got to go to Kenya a year ago. And you just get a whole different view of yourself as an African American. But nobody has taught us that. Instead, the Comcast employee talked to his kids about Hannibal crossing the Alps with elephants and taking over Italy, and that’s why many Italians have curly hair. He made a point of wanting me to say to you all that history is very, very important, but history can reinforce white supremacy.

If we don’t learn about the histories of all the people in the world, you can have a president who says shithole countries, and there are people, not just him, who agree with that because they have no sense of what’s happening in Africa, or Haiti, or that the reason Haiti is poor is because of the debt we saddled on Haiti. And because they were the first people in the Caribbean to become free and that France didn’t like it. Nobody wants to talk about that. We just think, oh, it’s a shithole country.

Another way that white supremacy is reinforced is through images. I really like the notion of “Oscars so white,” talking about who gets nominated for— I have a shallow side that loves all the award shows. But on the real side, those images that Hollywood puts out reinforce in our consciousness who’s good, and who’s bad. And so it’s very important that we try to diffuse white supremacy by making sure that there are more accurate images out there.
I don’t know about you all, but whenever the commercials for Black Panther come on, I just stop, sit up erect, and go, “oh my god, oh my god, oh my god.” I cannot wait. I cannot wait to see it. It’s just breathtaking. It’s just breathtaking. And a lot of people are going to see that. They’re going to see it around the world, and they’ll hopefully have a different view of us.

One thing I did try to research, and I couldn’t get an answer to it, is that apparently another way white supremacy is reinforced is through the electoral college. I read several articles about this and I couldn’t quite put it together, but it seems that James Madison was from Virginia. He wanted to make sure that the slave states weren’t outvoted by the North, where there were more people who were not slaves.

So apparently the three-fifths person doctrine got bled into how the electoral college is set up to keep having situations where the person who wins the popular vote does not become president. And if this is rooted in slavery and white supremacy, we need to do something about it.

So what do we do? One of the things that we’ve had to learn as civil rights lawyers in California is how to run electoral campaigns, because a lot of public policy is made through initiatives. So what we’ve learned is there are going to be people on your side, people on the other side. There’s no way they’re going to move. But there are people in the middle who are known as “persuadables.” And we’ve got to find the persuadables on white supremacy. Some of them may be your relatives, some of them may be people that you know, but we’ve got to talk about it.

I do have this newsletter called “This Week in White Supremacy.” I almost quit over the holidays because it’s just so depressing. It’s just on and on and on of things you just cannot believe are happening. So you can go to the Equal Justice Society website. You need to let people know that overtly racist things are happening now. It’s not subtle, it’s overt. And so you need to talk with people about it and engage them.

One of the things I want to tell you is that when I started college in ‘67, my father had just come back from Vietnam. I supported the war. I was arguing against all my friends who were going to Wisconsin to work for McCarthy. And I actually said this,” the president says the war is right, so we must do what the president says.”

Just a year later, I’m taking over buildings. I’m being tear-gassed in Chicago. I’m marching on Washington. And the reason I say that is because it didn’t happen right away. People told me things. I went to teach-ins.I learned. So there are ways to turn people away from deeply held views, and we’ve got to do that. Because we could have— I pray to God there isn’t another like Nazi-type situation here, but you would imagine some of the Mexican Americans are being detained would say that’s happening right now. The DACA kids are living in fear the way Jews did in the 1930s and ‘40s in Germany. So some people are living in absolute hell right now. So we’ve got to try to change people’s views.
Almost the last thing I’ll say is we’ve got to try to do it with love. It’s very difficult. The only person I haven’t been able to do that with is Trump. The best I can do is put my face and hand in front of my face when he’s on TV and look away. But we do have to try to do this with love. And it’s a metaphysical concept, but I think it’s important. I think people can feel if you’re coming at them with love and not hate. And it’s very hard to do, but Dr. King talked about it, John Lewis talked about it, many of our great revolutionaries have done this work with love.

Students, this is what you need to do. I said this at the beginning, but I want to say it again. How many of you are law students here? OK, you got to own your power. You’re smart. You’ve got time to read. You’ve got time to think. Be creative, be bold. Remember, that Thurgood Marshall helped knock out Plessy v. Ferguson. I’m sure people told Charles Hamilton Houston, you can’t change that law.” Are you crazy? What are you talking about? You just got to live with this.” He didn’t listen and he knocked it out.

So that’s what you all have to do. You’ve got to be bold. Come into our offices and help us, because there’s lots to do. We’re trying to knock out the 14th Amendment requirement that in order to show liability you must show that the discrimination was intentional. We say that’s nonsense. Even David Duke, the head of the Klan says he’s not racist. So how are you going to prove that there is intentional discrimination or things are done with racial animus?

We were able to talk in front of Justice Kennedy a while ago at a conference. He had a case before him about a year later, where in a fair housing context, he was asked to choose between the disparate impact standard and the intent standard. We thought they were going to gut the disparate impact standard for Title VIII. He went with disparate impact. We were able to get to him.

And you guys are going to be around a long time after some of us are gone. And hopefully you’ll have a court that’s great. And maybe Justice Ginsburg will still be on the court at that time. But you’ve got to plan for a better day. And there are some great district court judges and court of appeal judges who will listen to good arguments. So you’ve got to be good.

Some of you need to run for office. Apparently, there are women running for office like crazy, which is just great. I think people were saying, “well, if Trump can get elected, I certainly am better than him.” You need to run for office and get in there and make policy.

Some of you said that you feel that race is not adequately being addressed in your classes. I know the professors here address it in their classes, but there may be other people who don’t. If you think that’s the case, get a delegation of people and go talk to the Dean. Erwin is really good people. If this is what’s going down in your classes, you need to let him know. Many of us know him, we’re happy to go with you, but I don’t think you need to. If this is an issue, go raise it with the dean.
I have a study where I do my work and there are African masks along the wall. And whenever I think that people think I’m stupid because I’m black—and there’s people out there who will think all of us are stupid because we’re Muslim, Asian American, woman, LGBTQ, short, fat, black. And you have to know that’s not true. And I think of my ancestors. And the thing I think of a lot is from Maya Angelou, “I am the hope and dream of the slave.” Could slaves imagine me standing at this premier law school talking to people? And saying the president is a white supremacist, racist liar and not being dragged off to the cotton fields?

So, don’t let people get you down. Law school is a very difficult time. You’re probably going to be doubting yourself and your intelligence, but don’t. You’re here because you’re smart. Don’t doubt yourself. Make sure you’ve got support around you. And this is a very, very difficult time in our nation’s history, but we have power to make it better, and we have to rise to the occasion. The people that come behind us are counting on us. Thank you very much.

[AUDIO CLIP] Thank you. Thank you, that’s very kind. Thank you. So comments, questions, answers. Or have I bled into the drinking time? Brother, yes please.

AUDIENCE:

Trump said he’s created hundreds of thousands, hundreds of thousands of new activists.

EVA PATTERSON:

Absolutely.

AUDIENCE:

And the way he’s going, going to obviously give the presidency a bad name and people have less respect for the presidency and maybe they’ll challenge authority more. And two of the reasons he was elected was for a lot of people he was a celebrity and he’s rich. So they think he’s rich, so he must know what he’s doing. And I have less respect for those billionaires too. But anyway, my question is I really did have trouble with Obama. I mean, of course, he’s better than Trump, but Obama was a deporter in chief. He escalated the wars. He knew all about the surveillance stuff. I mean, it just goes on and on. And nobody’s perfect, but I didn’t think he was such a great president myself. Because of those reasons.

EVA PATTERSON:

I’ve kind of come to the conclusion that no president elected is going to do everything that I want him or her to do. That’s just not going to happen. I had a lot of problems with him. Syria, I can go on and on. But oh my god, wouldn’t you rather have him back now than this knucklehead? I wish there were a better
way to get folks mobilized because he’s doing so much damage now. I think it will be undone, but just the appointments and just—it’s just heartbreaking, but we just have to fight back.

AUDIENCE:

Hi. I am. I was wondering if you had any like—you had a lot of great suggestions today, if there’s anything that you know of that we as law students can get involved in today, like an organization we can go into today and feel like we’re going be able to make a difference?

EVA PATERSON:

I have been incredibly impressed with Indivisible. I think they single-handedly for a while saved the health care system. There also apparently may be tomorrow a demonstration in Devon Nunes’ district. I don’t know exactly where that is, because he’s just ridiculous. And so he gets away with this stuff because he’s far away from his constituents. But I believe people are going to be demonstrating there. I’ll try to get something posted on our website by tomorrow morning on that.

I think the midterms are going to be incredibly important. And so you need to look at the map of the country and see where you might be able to make a difference.

I think DACA folks are going to need some help. I think they’re catching hell. I know that La Raza Center Legal in East Oakland is helping people from El Salvador, who are being harmed by the reversal of the TPS policies. You might look at the National Lawyers Guild. They’re always doing some good things. ACLU is always on the front lines.