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FOR
BLACK
LIVES



"For real change to occur,
we must be more than
not racist. We must be
anti-racist."

[Justice Steven David](#)

**Juneteenth Comments at the Robert H. McKinney School of Law
A Call to Action: Friday, June 19th, 2020**

"We Must ALL be Anti-Racists"

Good afternoon friends, thank you for being here.

It is great to see so many people from the legal community here today, standing shoulder to socially distanced shoulder with each other, in solidarity with one another, to demonstrate our commitment to social and racial justice.

It is awesome to see the all the faces – well, half your faces.... thank you all for wearing your masks – but it is awesome to see all the faces here today, representing the legal community and displaying our commitment to upholding the oath we **ALL** took as lawyers in Indiana. More on that oath in a minute.

It is wonderful that this effort was started by two graduates of the Indiana State Bar Association's Leadership Development Academy – Tonya Bond and Ryan Leagre – along with one of their fellow attorneys, Shelley Jackson (and with some help from JLAPs Loretta Oleksy, I'm told). Thank you all for your leadership, for organizing this event, and for bringing us together to re-start this important conversation.

I am humbled to be speaking to you. Humbled because frankly, I find myself in a position I don't often find myself in. Anyone who knows me knows that I am rarely at a loss for words. In the past 10 years since I was appointed to the Supreme Court, I have given approximately 510 presentations, totaling over 700 hours. That's a lot of words. I have been a lawyer and a soldier for many years. I am usually not at a loss for words.

But today – honestly – I don't know the right words to use. I am struggling with the right words, just like we are struggling with the current events, and I find myself, like you, wanting to know more about why situations like this are happening – the senseless deaths, whether it be George Floyd, or Rayshard Brooks or Officer Breann Leath.

And I am disheartened by the consequences of these events. I am shocked and appalled and angry. And why do things like this keep happening. And the consequences of these inexcusable events -the continued polarization, the frustration, the anger, the sadness, the senselessness, the injustice, the ignorance, the apathy, the shame, **the reluctance to step up or even speak up, the failure of many to just listen, the fear of hearing things that we are not comfortable with...** it is just hard to find the appropriate words. And most importantly **what really matters is not what we say but what we do.**

And what **WE do to make changes. REAL** lasting changes.

I was struck, as I'm sure you were, by the first line of the invitation to this event – “In this State, lawyers take an oath to never reject the cause of the oppressed. This cause is upon us. The injustices committed against the black community have gone unanswered far too long. We must act.”

Perhaps today, instead of trying to figure out the right thing to say, maybe we stop trying to figure out the right thing to do, and just stop from a moment and start listening. Listening with open hearts and open minds. We must listen to our friends of color about their hurts, their pain, the injustice they've seen, the injustices they have experienced. We must listen to hear and to learn, **not** to respond or debate. We must listen to understand, **not** to explain or rationalize. We must listen so that we can be part of the change. We must listen, learn and appreciate and be saddened yet passionate and determined to do something about it!

And then, we can act. **WE MUST ACT!**

So, my call to action for lawyers and judges and really everyone starts as follows.

Look in the mirror. Take a hard look in the mirror and beyond the mirror at what is inside. Perhaps we start by looking inward. We start with examining our own biases, our own prejudices, our own intolerances – consider the conclusions we jump to without even recognizing we're doing it. This sounds easy. It is not. It is not easy to sit with yourself and admit to your own prejudices. But we must! Our call to action starts with the hard

work we must do within ourselves. I am extremely proud that the Chief Justice of Indiana issued her statement last week. I stand beside her. I shared my prepared comments with my colleagues before I came here today. The comments they sent me were comments like "I concur", "love it", "break a leg" and "speak your heart". **We CAN and MUST do better!** Lawyers and judges can help lead the effort in examining our own biases and intolerances. Let us be resolved to look at every process, every procedure through different lenses. Let's change because we can do better.

- Perhaps your action starts with removing yourself from inadvertent or intentional complicity in the extremely insensitive and inexcusable (at best) or racial (at worst) jokes, generalizations, rush to judgements, stereotypes and biases. Or better yet, calling them out whenever you hear them spoken or acted upon! Lawyers are great issue identifiers and problem solvers. So, I call upon the lawyers to identify – **CALL OUT**, help to change and therefore BE part of the solution.
- Perhaps that action starts with our local and state bar associations doing more training, building more awareness, being more proactive, but they can't do it alone. Our members must expect it, must demand it, but must contribute to it!

Let me share with you a true story that underscores that WE must do better! About 20 years ago, there was an African American Court of Appeals Judge that was selected by the Governor of the State of Indiana to serve on the Indiana Supreme Court. He was on his way to a party being held in his honor and hosted by a member of the Indiana Court of Appeals. On the way to the party he was pulled over just a few blocks away from his colleague's house. The police officer walked up to his vehicle, hand on holster and asked for his driver's license. The Court of appeals Judge said, "is there a problem officer?" to which the officer asked, "where are you going, boy?". The African American Vietnam Veteran Bronze Star Purple Heart Court of Appeals Judge said, "well officer I am going to that house right up the street where my friends on the Indiana Court of appeals are hosting a party for me in honor of the Governor of the State of Indiana selecting me to serve on the Indiana Supreme Court."

Words are hard to find to express how I feel when I think about that story about my friend... But here are a few from an old white guy -OUTRAGE. Horrible! Unfair. Racism. All too common?

So many emotions. I just don't know what to say about that.

But here's what I do know – that action I was talking about, that action starts here! Right now. Today. We should not be talking about this today, in the year 2020 but we are and so be it. You are here! You care. You acted. My charge to you is, don't let this gathering be the pinnacle of your actions! Don't rest your laurels on joining this movement today because it's comfortable being with other lawyers who, may look like you or dress like you or like you, want to see our world get to a better place. Get to work, making our world a better, more just, place, where injustice is not acceptable, where racism is non-existent. We

can get there, one day at a time. One encounter at a time. You must be the person you want the world to see! This all begins with each one of us.

One of my favorite speeches of all times, anywhere, by anyone was Justice Robert Rucker's speech to the ISBA LDA class entitled "Show up, Speak up, Shakeup"

Well fellow lawyers, fellow Hoosiers that time is long overdue. We have three options. We can stand by, like many, well intended people and hope and pray and wish all this would go away or at least go away, but do nothing! Unacceptable! Or our second option is we can just complain about the way it is -blame someone else, there is always someone to blame, or something to blame and just breed more anger, fuel more discontent and create more misunderstanding and division. Or our third option is that WE CAN DO something about it! **I urge you to do something about it.**

I urge us ALL to do more. To Show up, Speak up, and Shake up.

I love quotes – I've probably used thousands of quotes in the 500 plus presentations I've done. I like this one because it illustrates that today is just the beginning, a long overdue beginning it is, but you must have a beginning before you can end something as bad as what we are facing today so let's face facts and get started. The quote is from Robert Louis Stevenson. He said, "Don't judge each day by the harvest you reap but by the seeds that you plant". You have planted the seed here today. That is wonderful! This is a good day! But you can't just plant the seed and walk away. To make the fruit appear, you must put in all the hard work of watering and nurturing and caring for what you have planted, so let's move forward

And notice that I said 'before you can end something as bad as what we are facing today...well I meant it! Unless WE all agree that injustice for people of color, indeed injustice for anyone is injustice for everyone and say loudly, standing together that Racism and Injustice is fundamentally wrong and from this day forward no longer acceptable, WE, this great nation, ALL people, will struggle! Justice for all is not just a proposition. It is the lifeblood of our nation.

Martin Luther King Jr. was right when he said, "Injustice anywhere is a threat to justice everywhere".

Allow me to share something that I think is extremely critical to our success. It is this.

Many of you I am sure, like me – do not believe that you are a racist. And that is a very good thing! But I submit to you that is not the issue! I submit to you that it is no longer enough to be satisfied that I am not a racist or that you are not a racist, or he is not a racist or she is not a racist.

For real change to occur we must be more than just not a racist, WE must ALL BE ANTI-RACISTS! We cannot afford to believe we are doing all we can ...because we aren't and all of us can do better.

I challenge you to live by the 5 principles of being anti-racist that I have put down on paper and turn them into your reality. You can call them the five ways to beat racism or the five ways to be an anti-racist. I don't care what you call them, so long as WE incorporate them, live by them and eliminate Racism, once and for all.

1. Listen to Learn. Listen to understand. Just listen to other people's stories, their challenges, their adversity, what they face every day, what they fear every day because their race.

2. Ignorance is inexcusable. Tolerance is imperative.

3. Don't let others shape the conversation or change the subject. This is NOT about being anti-white or anti-law enforcement, or anti-American. Nor is it a Republican or Democrat thing. This is an all-in once and for all thing. This is about being anti-racist.

4. Be vigilant. Be civil. Be peaceful. You cannot allow your actions to become the distraction or the diversion and detract from the mission -eliminate racism once and for all.

5. Identify, call out, bring as much attention to every incident of racism or bias or prejudice that you hear or see. No incident is too small to magnify. Those who cling to racist absurdities must be marginalized by a vocal and unrelenting majority who insists on change, on justice, on justice for all.

And, since I love quotes, I'll leave you with a quote most of you have probably heard. From one of the oldest books around that people still read. "Do unto others as you would have them do unto you." Did you hear that important word? "DO." Act! Start today. And don't ever stop!