

Hello all,

I have received many communications regarding the *Civilian's* November issue. Unfortunately, the next issue of the *Civilian* will not be published until January; however, I wanted to share these responses with you all now.

On November 14, 2014, I was carbon copied in the following email to Chandler Rome, the editor of *The Daily Reveille*:

Dear Mr. Rome,

Attached for your consideration you will find a letter addressing your recent Nov. 7 article. Please feel free to publish it if you decide that it is appropriate to do so. I am also attaching two recent articles from *The Civilian* which are referenced in my letter.

Please do not hesitate to contact me if you have additional questions.

I look forward to your response.

Sincerely,

Elizabeth Carter

The attachment was as follows:

Re: Response to: "From the Editor: Previous Stories Erroneously Portray Law Center," *The Daily Reveille*, November 7, 2014.

Dear Mr. Rome,

Your recent Editor's letter discrediting Ms. Clark's reporting of events at the LSU Law Center is disappointing. I appreciate this opportunity to express my concerns to you, your staff, your faculty advisors, and the LSU community. I am a professor at the Law Center, but I am writing this letter in my personal capacity and not as a representative of the Law Center.¹

When I saw Ms. Clark's articles, I was excited to see that the *Reveille* had decided to begin an investigation into what, in my mind, are some very serious problems faced by the LSU Law Center. I had hoped that Ms. Clark's articles were the beginning of an important and frank discussion. Your letter effectively discredited the meaningful work she had begun. Quite simply, your letter is irresponsible, poorly researched, and detrimental to Ms. Clark, Mr. Barnes, Mr. Alagood, and the LSU Law Center community. I expect a higher standard of journalistic integrity from the *Reveille*.

I will address your discussion of each of Ms. Clark's articles in turn.

(1) *The Oct. 28 Article: Law Center Appoints Diversity Task Force to Combat Lack of Diversity.*

¹ See Article VII, Section 1 of the Bylaws of the LSU Board of Supervisors.

Ms. Clark's first article reported on two letters. The first letter, written by third-year law student R. Kyle Alagood, openly questioned the Law Center's commitment to diversity. Chancellor Weiss responded with a letter memorandum announcing the formation of a "Diversity Task Force" charged with addressing the concerns raised by Mr. Alagood. It appears that both Chancellor Weiss and Mr. Alagood were interviewed in connection with Ms. Clark's article.

Yet, you claim that Ms. Clark's article "failed in a cardinal tenet of journalism—providing both sides of a story." You go on to explain what the author should have included in the story to satisfy this lofty goal—namely, a number a diversity statistics from the letter written by Chancellor Weiss. By simply parroting these numbers without any context or skepticism, you violate that very journalistic tenet you claim to support. You have done no better than the staff member whom you have elected to publicly shame with your unconvincing *mea culpa*. The only difference, by your own admission, is that you should know better.

(a) Misrepresentation of Chancellor Weiss' Statistics. In his letter, Chancellor Weiss wrote, "the Law Center employs 36 tenured and tenure-track faculty members; 8 (22%) are women and 4² are minorities (11%)." From this, you conclude that, "12 of the 36 current Law Center tenured or tenure-track faculty are *either* women (8 faculty members) *or* minorities (4 faculty members)." But your analysis is flawed. Incredibly enough, a person can be both a woman and a minority. She is still one person. A simple fact check would have confirmed that there are not 12 members of the Law Center faculty who qualify as diverse. Fact checking, incidentally, is another cardinal tenet of journalism.

(b) Your Failure to Investigate the Statistics Provided. The Chancellor of the Law Center – like any other leader – has an inherent incentive to portray his institution in the most favorable light possible. As a journalist, your job is to recognize this and to view his statements with an appropriate measure of skepticism. Real journalists ask hard questions and question assumptions. They do not reprint press releases.

You have cited statistics showing that non-Caucasian student enrollment (21%) is comparable to other law schools (23%) in the Southeastern Conference. Yet you have failed to question why the Law Center should be compared to schools simply because they play one another in football. The Law Center is a law school, not a football team. Did you consider that comparing our student enrollments to that of other SEC schools— which, by definition, are located in a part of the country notorious for racial and gender inequity—shows the Law Center in a more favorable light than other possible comparisons? For example, according to the American Bar Association, the non- Caucasian enrollment at all 202 accredited law schools for the 2013-2014 academic year was 26.9%. Moreover, you failed to ask why the Chancellor did not provide similar comparative data regarding female student

² I am only aware of three racial minorities on our tenure or tenure-track faculty. That, however, is a discussion for a later day.

enrollment. Had you done so, you would have discovered that female student enrollment at the Law Center lags behind that of other law schools.

Despite the various other comparative statistics provided by the Chancellor, you neglected to ask why those numbers were not provided with respect to faculty composition. Had you done so, you would have discovered that the Law Center lags behind other schools with respect to faculty diversity. The American Association of Law Schools (AALS) Statistical Report on Law School Faculty³ indicates that 37.3% of all law school faculty members are women and 14.9% of all law school faculty members are non-Caucasian.

(2) *The Nov. 3 Article: Law Student on Diversity Task Force Experienced Racial Slurs During Time at Law Center.*

Ms. Clark's second article simply followed up on her first article by showing that Mr. Alagood was not alone in his concerns. Although the Law Center has made improvements in its numerical diversity in recent years, as Mr. Alagood explained, "the Law Center is not actively providing much-needed structural resources to foster diversity and encourage success once students enter law school." Numerical diversity does not tell the full story. The article chronicled the unfortunate experience of a task force member who claimed he was physically and verbally assaulted by another student at a Law Center function. I cannot understand why you would describe this article as your "worst error." You have minimized Mr. Barnes' experiences, discredited him, and made him the object of further harassment by members of the Law Center community. You seem to have forgotten that, in addition to the racial slurs, a fellow law student allegedly threw an arrow at Mr. Barnes and punched him in the face. Ms. Clark's article made this clear, and made it clear that these events occurred at a Law Center function. Your article does not. Mr. Barnes was the victim of a crime, and he did not feel (nor do I) that the procedure pursued by the Law Center adequately addressed that issue. The racial slurs compounded his injuries.

Your claim that the *Reveille* – i.e., Ms. Clark – did not reach out to anyone affiliated with the Law Center for comment is simply untrue. Ms. Clark asked for comments regarding Mr. Barnes' experience, as well as the experiences of other students and faculty members. When she reached out to me, I explained to Ms. Clark that she could not use my name in her article because I feared retaliation by the Law Center faculty and administration. I regret that my initial reaction was reticence. Unfortunately, I am not the only person who expressed that sentiment to her. I understand that Ms. Clark received similar responses from several students and faculty members. I personally witnessed another faculty member willingly talk to Ms. Clark, extensively, "off the record." What more would you have Ms. Clark do?

³ The 2008-09 data is the most recent data available. You can find it here: <http://aalsfar.com/statistics/2009dlt/race.html>

(3) The Overall Effect of Your Letter.

Our words can be more powerful than we realize or intend. I fear that your words have caused harms that you did not anticipate.

The Law Center's recent accomplishments with respect to numerical diversity are commendable. The work to be done, however, is far from complete. In failing to question the comparative statistics provided by the Chancellor, your letter gives readers the false impression that the Law Center has already attained the ideal numerical diversity. Moreover, your letter gives readers the overall impression that because we have attained ideal numerical diversity—which we have not—then allegations of racial and gender discrimination at the Law Center are either erroneous or unusual. It discredits victims before they even have the opportunity to speak. I cannot imagine this was your intent.

Two LSU law students at *The Civilian*—Julie Faulk and Neal Favorite—latched on to your article and compounded the harm it caused. I am enclosing copies of their articles for your reference and I will be composing a separate letter specifically addressing their articles. In some instances Ms. Faulk and Mr. Favorite simply reiterated the errors you made. In other instances they (and Ms. Faulk in particular) compounded your errors by adding additional errors and misrepresentations of their own. Your letter gave the Chancellor's opinions and statistics the imprimatur of truth and served as a springboard for unwarranted personal attacks against two of their classmates and your former staff member.

I hope that you will consider correcting your mistakes and that we can all learn something from this experience. Please govern yourself accordingly.

Sincerely,

Elizabeth R. Carter

On the same day, I responded to Professor Carter with the following email:

Professor Carter,

Thank you for including me in the email to the Reveille. I look forward to your letter concerning my article, and the Civilian would be happy to publish retractions as it deems necessary.

As I stated in the first paragraph of the article, I was expressing my personal viewpoints on the previous two articles. Since I am neither an experienced journalist nor the brightest person, I am open to having flaws in my reasoning pointed out.

Additionally, I hope it was clear in my article that I do not think the Law Center's job is done in terms of creating a diverse community. Instead, I advocate for spending our time and energy crafting solutions that we can offer to the Diversity Task Force. I hope you have a great weekend, and thanks again for allowing me to read your letter.

Julie Faulk

To which Professor Carter replied on the same day:

Dear Ms. Faulk--

I understand that you were expressing your opinions and that you are not a journalist. You are, however, training to be a lawyer. That means that you should question everything and do thorough research. That was not the case--and I doubt it is related to your intellect.

As I have explained to Mr. Favorite, you are both entitled to your opinions and I respect your right to express them. I am confident that you, like Mr. Rome, did not intend for your article to have the effect that it did. But, as I said to him, the written word can be powerful--and as lawyers--our words are our tools. We must choose them carefully.

What you wrote came across as a personal attack on Mr. Barnes, Ms. Clark, and Mr. Alagood--which was, hopefully, not your intent. You criticized Ms. Clark and Mr. Alagood for failing to support their conclusions and I believe that accusation is without merit--as I will explain more fully in my letter. Nor did you appear to do any research on your own to discover the truth of the matter. I expect more from our students.

I understand that, in some respects, you were simply relying on what Mr. Rome wrote in his article. But as I explained to him, his entire article was built on a faulty foundation. You should have been able to recognize that for yourself and you should have conducted your own independent research. That is part of what we are trying to teach you while you are here and it was disheartening to see that we have done such a poor job.

--ERC

I did not respond to this last email and decided instead to give Professor Carter time to compose her letter that specifically addressed my article. At this time, I have yet to receive the letter.

Then, on November 21, 2014, Mr. Rome and I received the following email:

Mr. Rome and Ms. Faulk,

Attached please find a Letter to the Editor we offer for publication in both The Reveille and The Civilian. Thank you in advance for your consideration and please do not hesitate to contact me directly should you have any questions or require any further clarification.

Thanks,

Christopher J. Tyson

The attachment included was as follows:

Dear Mr. Rome and Ms. Faulk,

We submit this commentary in our individual capacities and not as official representatives of the LSU Law Center. Recently *The Reveille* and the Law Center's *Civilian* publications have featured articles on the racial climate at the LSU Law Center. After profiling a law student's personal experience with allegedly racially-charged violence, *The Reveille* subsequently repudiated its initial article and questioned the validity of the student's account. The current issue of *The Civilian* features articles further undermining the student's credibility and criticizing him for, among other things, sullyng the public image of the Law Center.

These developments and the opportunities they present are very timely. The Law Center has recently established a Diversity Task Force in the wake of a number of incidents in which race, gender and sexuality-based animus have revealed themselves in troubling ways. Despite the progress the Law Center has made with female and minority enrollment, troubling incidents continue to happen within our community. These challenges are not unique to LSU. They reflect how historic inequality and discrimination continues to affect us all. They force us to reconcile the truth of our past with the inevitability of our future. These and other matters underscore the importance of a meaningful institutional approach to diversity.

Many are uncomfortable discussing diversity, much less acknowledging that discrimination remains a problem worthy of our collective concern. Some prefer only to highlight the progress made to date - too often as a way to downplay present claims of discrimination. Others lament the rise of "political correctness" and the demise of "personal responsibility." These responses stifle any rigorous engagement with how historically marginalized identities operate in institutions.

In such an environment a student's willingness to speak up about his experience with discrimination is a very risky affair. The consequences are many and potentially devastating for the student's future. The risks of being branded a "trouble-maker" or being accused of "embarrassing the institution" are high. Those who speak up are often quickly silenced. Consequently, the discrimination they experience is compounded and institutionalized. The fear of retribution chills any possibility for an open, deliberative and humane discussion.

The Reveille's repudiation of its initial reporting and the *Civilian* articles in many ways contribute to this pattern.

Here at the Law Center we prepare the nation's lawyers, jurists, advocates, legislators and others who will inevitably be on the front lines of building a more perfect union. We have failed them if - when confronted with allegations of racism, sexism or homophobia - their first concern is with the airing of "dirty laundry." We do them a disservice if they leave here ill-equipped to have tough conversations about the ongoing work of creating a more inclusive society.

Issues of racism, sexism or homophobia have never been solved by closing ranks and marginalizing the messengers. Laudable progress with diversity should never

be used to muffle or silence inquiries into the extent to which there remains hostility towards members of the institutional community based on their identity.

The mark of an open and inclusive community is not how few incidents of discrimination occur, but rather what happens when they do. A true commitment to increasing diversity recognizes that culture must change and marshals the institution to create spaces where disclosure and deliberation can occur. Indeed, we have work to do.

Respectfully,
Professors Andrea Carroll,
Elizabeth Carter,
John Church,
Michael Coenen,
John Devlin,
Phillip Hackney,
Robert Lancaster,
Lee Ann Lockridge,
Missy Lonegrass,
Christina Sautter,
Margaret Thomas,
Christopher Tyson,
Beth Williams

On that same day, I replied with the following:

Thank you all for your Letter to the Editor. It always great to receive input and to see faculty so involved with student life at the Law Center. Unfortunately, the *Civilian* does not publish an issue in December due to exams. The next issue will not be distributed until January, and I hate that this letter may not be published until months later. I am considering posting the letter in the LSU Law Facebook group since students frequently check the page for information; however, I know Mr. Barnes has begun circulating the email to students after he received it from the faculty, so it may be disseminated on its own. I will let you know which course of action will be taken when I and my fellow editors decide.

On a more personal note, after reading your letter, I am still unsure which specific statements in my article downplayed Mr. Barnes's experiences or his credibility at the Law Center since I mainly wanted to make the point that the school did not ignore the incident as the *Reveille* had initially insinuated. I understand if you do not have the time to write a more specific letter detailing my alleged criticisms of Mr. Barnes, but I would greatly appreciate it if you do so I can improve upon my writing to ensure the message I desire comes across. On that same note, I would like to state that I am disgusted by what happened to Mr. Barnes and simply wanted to ensure that the Chancellor's public response to the entire student body was noted.

Sincerely,
Julie Faulk

At this time, I have yet to hear back from any of the above professors, understandably so since it is the weekend and I did not reply until after 5pm. Also, sorry for the grammatical errors in my response; my brain was full of Successions by that point.

Firstly, I want to state that I wrote my article before Mr. Rome's was written. I simply added a paragraph referencing his Letter From the Editor a day or two before sending the issue to the printers. Secondly, I will continue to update the student body as needed, but due to the imminence of exams, further communications may not occur until after the semester has ended.

Sincerely,
Julie Faulk