

**Archived:** Thursday, June 11, 2015 3:12:27 PM  
**From:** Weiss, Jack  
**Sent:** Thursday, November 13, 2014 9:05:19 PM  
**To:** Joseph, Cheney  
**Cc:** Malinowski, Michael J  
**Subject:** Re: .....  
**Importance:** Normal

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Yes, Michael, very much appreciated. Best. Jack

Sent from my iPhone

On Nov 13, 2014, at 9:10 PM, "Joseph, Cheney" <[Cheney.Joseph@law.lsu.edu](mailto:Cheney.Joseph@law.lsu.edu)> wrote:

Thanks, Michael.....

CHENEY C. JOSEPH, JR.  
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**From:** Malinowski, Michael J  
**Sent:** Thursday, November 13, 2014 8:00 PM  
**To:** Weiss, Jack; Joseph, Cheney  
**Subject:** .....

Hello. I am wrapping up the semester, so I am having student meetings for my seminar students. I read the "diversity letter" and, without letting it become a focus of discussion, one of my students mentioned the Huffington Post, etc., briefly during our meeting over her paper.

This attack is unfair, to say the least. You have moved mountains to infuse diversity into the Law Center, obviously. I am no flag-bearing member of the gay community, and my personal life is just that, but I offer you as much support as you need. This is just unfair. Your track record with recruitment during your role as Chancellor speaks for itself. Have we really come to this--Is this where we are, where skin color and genitals spells diversity?

Anyway, I am staying far away from this generally, but I do support you. I will support you on this issue in any manner that helps. This is just not right.

m

**From:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>  
**Subject:** Re: [FACULTY-L] possible rescheduling of the meeting on diversity proposals  
**Date:** May 21, 2015 at 11:41:05 AM CDT  
**To:** <[FACULTY-L@LISTS.LAW.LSU.EDU](mailto:FACULTY-L@LISTS.LAW.LSU.EDU)>  
**Reply-To:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

To what extent is diversity serious reflection about the substance of actually diversifying in relation to society or how society identifies with one's skin color, gender. It would be wonderful to have a discussion among colleagues, straight on, as to what diversity is today and what it has been in U.S. history. Are we working from the historical perspective, present reality, or a combination of the two. Personally, I grew up within an extended family of very uneducated first-generation people in a small town populated most of the same at that time (factory workers), who spoke Polish and French Canadian at home and raised very few (only one aunt) who graduated from high school. My father struggled to read a newspaper. There was extensive financial insecurity throughout the extended family. I went to Yale Law School paying my own way where diversity was race, color, sexual orientation, and gender. All of my close classmates, non of which matched me on meeting textbook credentials for academia access (e.g., skipped law review, skipped federal clerkships, never published before applying) but who were women, even Caucasian, had, relative to me, great access to law academia--one has been and is Dean of BU Law School, another got an immediate academic job with University of Washington in Seattle (though she just got by at law school). At Yale Law, I met many first-generation students, but the ones favored had background and legacy, including "minority students" based upon color and gender. I had as law school friends and law review colleagues many overly-privileged white males, but also, exceedingly so relative to the former, a number of similarly or more overly-privileged "minority" females who sky-rocketed into whatever positions they applied for. I could relay stories if we talk individually. Frankly, I feel the most sorry for our students who work nonstop and who are white males from socio-economically deprived backgrounds and may say ignorant things out of frustration and some racism reflective of their backgrounds ....i.e., without any LA legacy--they are the ones I have been able to help the least over the last 13 or so years at LSU. Frankly, I can tell you from experience, popping from my background situation into very privileged hire education, undergrad and graduate school, which I paid for myself, that I always thought of myself as a minority and I think still do--from this

experience, I can tell you that some of the most racist people I have met and continue to meet come from the most diverse core when it comes to the substance of growing up as a minority on all levels, including socio-economic levels. There is a reason that Boston and other older cities have such defined Italian (North End), Irish (Sothie--or south Boston), etc. These groups, all first-generation, were racist against each other and, by today's standards, even those who group up in sync with me in my MA mill town, are passed over as being white males without legacy.

Yes, we should police blatant ignorance. However, we also should be careful to jump to superficial standards and not have measures to help those who, at their core are truly diverse, but may be making a difficult transition. I reject most of the superficial standards removed from that. Those standards do not speak to today's actual measure of diversity. Diversity is too substantive to be superficial about.

Michael

**From:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

**Subject:** [FACULTY-L] footnote

**Date:** May 21, 2015 at 11:57:24 AM CDT

**To:** <[FACULTY-L@LISTS.LAW.LSU.EDU](mailto:FACULTY-L@LISTS.LAW.LSU.EDU)>

**Reply-To:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

Hello, as I hope most of you know, I do not write with mistakes generally, but I am just so animated on the way diversity is handled and deferred to given my background and present life (for the last 8 or so years) in an "alternative relationship." I truly do not believe the guts of diversity are appreciated. Skin color and genitals alone, or even disabilities (and my life has been committed to health law), do not innately deliver diversity at its substance. It takes much more scrutiny to figure that one out--and our federal and state laws are far from that. Again, just keep in mind, you may have students who actually represent diversity beyond your wildest expectations but come from backgrounds where diversity is innate because it is a true "dog fight" to survive. If students like that are able to scratch their way up to LSU Law Center, I want to help them understand where they come from and why they need to evolve from their backgrounds to their present. Instead of doing a consulting project as we have done, why didn't we/don't we develop a first-year and support component with a mediation scenario mandated for incidents? Do we want to truly promote diversity at its core, or just react? We, sister institutions, and the country are better than that if we truly value the substance of diversity. Enough. I apologize for the intrusion, but it is heart felt and I guess I was hoping for more from this process--as typical, I stepped to the side and gave it the benefit of the doubt. Michael

**From:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

**Subject:** [FACULTY-L] Final thought

**Date:** May 21, 2015 at 11:25:23 PM CDT

**To:** <[FACULTY-L@LISTS.LAW.LSU.EDU](mailto:FACULTY-L@LISTS.LAW.LSU.EDU)>

**Reply-To:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

Racism comes down to power--who is powerful and abusing that. I learned this long ago. As much as I adore Ken, I believe that the Law Center's approach to diversity misses this fundamental mark. I like and respect Ken immensely, but I think the entire project over evaluating and responding to "diversity" issues was a miss for the Law Center. Vote for what you will, but nothing that has come out of this process, based upon the work product, addresses diversity on a fundamental level. True diversity is not reduced to genitals, skin color, or what misguided fool however substantively diverse she or he is, says. It is about substance. Yes, I am "racist" to all of those who are privileged from the start--I have learned to live with that and check myself constantly. If you go with the Law Center "fix" that is your choice. It is short-sighted at best and, in my opinion, has no depth to really resolve festering problems. It all should be about substance if you want to take the topic on--not genitals, skin color, or "stupid" (in my mind) comments. I think the Law Center should be bigger than this if it wants to truly address the topic. With that in mind, I am very disappointed in the way this was handled and sorry that you all think it was done well enough to sign off on it at the next faculty meeting. Again, true diversity runs much more deeply than skin color and genitals, or flippant comments from people who may just not know more--isn't our mission to educate? How are we really doing that regarding true diversity at the Law Center? We are all better than this if we want to truly address the issue of diversity substantively. My last comment on this. m

**From:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

**Subject:** [FACULTY-L] Our Reputation

**Date:** May 22, 2015 at 7:28:18 AM CDT

**To:** <[FACULTY-L@LISTS.LAW.LSU.EDU](mailto:FACULTY-L@LISTS.LAW.LSU.EDU)>

**Reply-To:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

If we want to improve the Law Center regarding diversity let's do something meaningful, substantive---something reported as positive in the Huffington Post but beyond that to the New York Times, etc. This whole exercise in diversity was, in my opinion, silly and a enormous waste of money. Done. What a wasted opportunity! m

**From:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

**Subject:** [FACULTY-L] Diversity

**Date:** May 22, 2015 at 12:23:01 PM CDT

**To:** <[FACULTY-L@LISTS.LAW.LSU.EDU](mailto:FACULTY-L@LISTS.LAW.LSU.EDU)>

**Reply-To:** "Malinowski, Michael J" <[Michael.Malinowski@LAW.LSU.EDU](mailto:Michael.Malinowski@LAW.LSU.EDU)>

Just to be clear, as a product from a first-generation extended family, with abuse etc., who excelled at Tufts and Yale Law school, who is a short white male confused with being NY Jew while at Tufts and Mexican while clerking for Judge Garza in San Antonio, diversity must be addressed with the utmost care and promoted. I do not agree with what the student did to trash the Law Center, but if you are going to address such a sensitive issue DO SO MEANINGFULLY. I respect VC Joseph immensely, IMMENSELE, but I do believe the Law Center made a mistake. This was a wonderful opportunity to gain national attention--a Southern LA Law School stepping up--that was missed. Huge mistake. Vote for it if you will, but consider thinking a little more and asking for something MUCH more. m