

***Thurgood Marshall Bar Association***  
***Statement On The Death of George Floyd, Continued Systemic Racism and Injustice in America And Demands For Immediate Change***

**Irvine, California, June 2, 2020.** It is with a heavy heart that Thurgood Marshall Bar Association (“TMBA”) issues the following statement:

Thurgood Marshall Bar Association (TMBA) is troubled by the continual disregard to recognize the humanity of Black people across this country. Martin Luther King Jr. once said, “injustice anywhere is a threat to justice everywhere.” Most recently, we acknowledge the injustices that claimed the lives of George Floyd, Breonna Taylor, Ahmaud Arbery, and all who have lost their lives to police brutality or racism. We pray that their families, friends and loved ones find comfort in the national outpour of support and that justice is served. Thurgood Marshall Bar Association stands with you, supports you, and will continue to fight for and with you.

Although the world has been in an uproar after the most recent display of police brutality and racism, we are all too familiar with racial injustice and institutionalized racism within the basic infrastructures of American society. Indeed, Black people in America have been treated as sub human since we were brought here in slave ships.

As the only Black bar association based in Orange County, it is our goal to promote diversity and the advancement of justice within the practice of law. As such, the status quo of racial disparity is painfully familiar for many of the Black people living and working in predominately white systems throughout Orange County and throughout the nation. There are too many stories of Black people being stopped by police officers without cause, deprived of educational opportunities and overlooked for professional advancement. The stories of racism and our country’s tolerance, embracing and protection of that racism are woven into the fabric that built this country. From an innocent child still dreaming of the world they want to see—and the contribution they will make to it, to the Black people whose ideals of that very world have been cut short or warped by the reflection of hatred that has run rampant since this country’s inception. The stories are endless. The narrative must change!

Let’s be transparent. We are angry and outraged that despite the ideals of freedom that our country promises, America builds and supports systems that deny the fulfillment of those ideals to Black people. We are fed up with a song of freedom sung from the mountaintops proclaiming that this is the “land of the free” while Black people in this country lack the freedom to exist without fear of death. We are tired of hearing there is “liberty and justice for all” while Black people in America have never truly been free.

In the last decade the public has watched gruesome deaths of unarmed Black people not only at the hands of police but also white citizens whose privilege emboldens them to believe they have the authority to “arrest”, “try”, and “sentence” Black people to death—outside of a court of law. The story repeats because America has assured those who prey and hunt Black people that they will not be held responsible for the murders of those people.

As a people, we have demanded accountability through protests, social media campaigns and boycotts but we quickly resume life as normal and the hashtags fade away. We stop saying the victims' names. We stop demanding justice. We let the destructive prevalence of racism and injustice quietly tip toe out of the room. We stop having the tough but necessary conversations. The rage subsides. Black Americans return to the intolerable conditions of racial injustice and bias. Then we wait... wait for another murder of a Black person at the hands of the police or a vigilante who kills his Black neighbor because he decided they did not belong. To be clear, Black people do not have to carry “freedom papers.” We do not have to explain that we belong. The time for change is now.

In California, legislators passed AB 392: The California Act to Save Lives, enacted in January 2020. Though there is still much to be desired by AB 392, the Act is a step in the right direction as it pertains to police accountability and policing policies that have led to the death of Black men here in California, such as Stephon Clark. AB 392 redefines the circumstances under which a homicide by a police officer is deemed justifiable to those situations wherein the officer believes deadly force is *necessary* as opposed to *reasonable* to defend against an imminent risk of death or serious bodily injury to another. Moreover, AB 392 requires all California law enforcement agencies to implement a new “use-of-force policy” that accounts for the requisite *necessary* standard. We implore all OC law enforcement agencies to evaluate their “use of force policies” in a way that at a minimum meets the provisions set forth in AB 392, but most importantly allows for the greatest opportunity to preserve Black lives.

With this statement, TMBA implores its members, allies, religious and faith-based leaders, community leaders, political leaders, local government, and lawmakers to stand together as we demand change. A permanent change that continues past this generation and brings hope to our children. The time for change is now.

More specifically, we call on fellow bar associations, including but not limited to the Orange County Bar Association, to not be silent or neutral but to publicly stand in solidarity. We call on you to use your voice, influence, platform and reach to join us in demanding an end to the senseless infliction of violence and brutality against Black people in America.


TMBA refuses to privately mourn the injustice in our country. We will use the voice we have built to demand change. Black Lives Matter. The dignity, value, equality, and justice that is due to all Black people goes without debate. As such, we outline the following demands for change:

- Arrest and charge the remaining officers involved in the death of George Floyd;
- Arrest and charge all officers involved in the death of Breonna Taylor;
- Re-define and /or abolish the concept of citizen’s arrest;
- Create an independent review of all police department policies to identify bias and discriminatory practices;
- Require all Orange County Police Departments to bring their “use-of-force policy” into compliance with AB 392.

Additionally, we stand with our sister organization Black Women's Lawyers in their demands for the following:

- That Congress enact legislation making filing a report with any law enforcement agency falsely accusing a person of color of physical attack, threatening to commit a violent act or carrying a weapon, a federal crime (a violation of the section 1983 of the United States Code) and that state legislatures similarly enact legislation making such false accusations a felony (hate crime) punishable by mandatory custody time and fines.
- That the federal government form a multiracial, multigenerational, gender diverse, nonpartisan national commission to provide civilian oversight of all police departments/law enforcement agencies with complaints of racial bias, racial profiling, disparate treatment, or police brutality. Require the commission to maintain statistics and publish biannual reports.
- That federal and state legislatures enact legislation establishing the right for any person/bystander to video and audio record law enforcement encounters/arrests and overt racism/racist behavior toward Black people and others so long as they are not physically hindering the law enforcement authorities in the performance of their duties.
- That charges be filed against any law enforcement officer as an accomplice who fails to intervene or render aid in any acts of excessive force or brutality by principal officer(s) which results in serious bodily injury or death.
- That a national reporting investigative protocol automatically activate immediately whenever an unarmed Black person is killed.

It is our hope that the throughout the nation, across California and within Orange County, we can stand together for one cause, justice for all!

  
Lakeshia M. Dorsey

Thurgood Marshall Bar Association President