

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEROY PERNELL, et al.,
Plaintiffs,

v.

FLORIDA BOARD OF GOVERNORS OF
THE STATE UNIVERSITY SYSTEM, et
al.,
Defendants.

Case No.: 4:22-cv- 304

**DECLARATION OF LEROY PERNELL IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

I, LeRoy Pernell, hereby declare and state as follows:

A. Background

1. My name is LeRoy Pernell. I am over 18 years of age and identify as an African-American man.
2. I have personal knowledge of the following facts and if called to testify could and would competently do so.
3. I have over 40 years of professional experience in higher education. From 2008 onwards, I have worked at Florida A&M University College of Law (FAMU Law), a law school at a historically Black college and university (HBCU). From 2008 to 2015 I served as Dean, and from 2017 to 2019, I

served as Interim Dean. While serving as Dean, I helped FAMU Law achieve full American Bar Association (ABA) accreditation in 2009.

4. Since 2019, I have served as Professor of Law, where my coursework focuses on the criminal legal system. I teach primarily in the areas of criminal procedure, torts, juvenile law, and race and the law. I have published articles and book chapters on criminal procedure, race and the law, torts, and sports law. I also recently published a book, along with Professor Omar Saleem, titled "Cases and Materials on Combatting Racism in Criminal Procedure."
5. With regard to my education, I received a Bachelor of Arts degree in Government from Franklin and Marshall College and a Juris Doctor degree from Ohio State University College of Law (Ohio State Law).
6. After graduating from Ohio State Law, I worked for Columbus Legal Aid and Defender Society representing indigent individuals and juveniles in the criminal legal system, before going into teaching. I then served in various roles as a law professor at Ohio State Law for over 20 years. I also served as Vice Provost in the Office of Minority Affairs at Ohio State Law for about four years. In 1997, I took over as Dean of Northern Illinois University College of Law and served in that role for over 10 years, before joining FAMU Law as Dean.

7. During my career, I have earned numerous awards, honors, and accolades. For example, in 2018, I won the Council on Legal Education Opportunity's CLEO EDGE Award and was inducted into the HBCU Pre-Law Hall of Fame. I was elected to the American Law Institute (ALI) in 2000 and was a member on the ALI consultative group on the Restatement of Torts 3rd. I also served on the board of trustees of the Law School Admissions Council.

B. FAMU Law's History and Present

8. FAMU Law, as a college in a HBCU, has a rich history of activism in the fight for racial justice. The state of Florida also has a history of punishing FAMU Law severely for that activism.
9. In 1949, after a Black student named Virgil Hawkins applied to the then-segregated University of Florida Law School, the state of Florida decided to open a law school to accommodate Hawkins and other Black law students in Florida. This allowed the state to justify its refusal to integrate the University of Florida under the "separate but equal" doctrine from the United State Supreme Court's opinion in *Plessy v. Ferguson*, 163 U.S. 537 (1896). FAMU Law admitted its first class in 1951.
10. During the Civil Rights Movement of the 1950s and 1960s, Black students attending Florida A&M University (FAMU) and FAMU Law participated in demonstrations protesting segregation. For example, John D. Due, Jr., a

member of the Florida Civil Rights Hall of Fame and FAMU Law graduate, worked as an attorney in Mississippi during the Freedom Summer on behalf of the Student Nonviolent Coordinating Committee to monitor violence against civil rights workers. Due's wife, Patricia Stephens Due, was a prominent civil rights activist and FAMU student who participated in the first "jail-in" of the Civil Rights Movement after electing not to pay a fine or bail for sitting at a "whites only" lunch counter at a Tallahassee Woolworth's store. Arthenia Joyner, later the Minority Leader of the Florida Senate, is another example of a civil rights activist who graduated from FAMU Law during the 1960s.

11. Students and faculty at FAMU Law also frequently represented activists who were arrested for violating Jim Crow laws in Florida.
12. In response to these efforts, then-Governor W. Haydon Burns, an ardent segregationist, and the Florida legislature worked together to tarnish FAMU Law's reputation and minimize its leading role in the civil rights movement. In 1965, the Florida legislature voted to strip the law school of its funding and opted instead to fund a new law school at the formerly segregated Florida State University. Florida State opened its law school in 1966, and FAMU Law's last class graduated in 1968. The school remained closed for over 30 years.

13. In 2000, after calls from the ABA and others to better diversify the legal profession, the Florida Legislature passed legislation reestablishing FAMU Law. FAMU Law admitted its first class in 2002 and earned ABA provisional approval in 2004, receiving full accreditation in 2009.
14. Today, FAMU Law supports an extremely diverse base of students. As of fall 2021, 73.6% of FAMU Law's total students identified as people of color. 47.6% of its total students identified as Black or African-American. In its fall 2021 first-year class, 75.4% of its students identified as people of color and 46.2% identified as Black or African-American. *See Attached Exhibit A.*
15. FAMU Law's faculty is also diverse. As of fall 2021, 73.2% of its total faculty and 81.8% of its full-time faculty identify as people of color. *See id.* Presently, I estimate that over 80% of FAMU Law's full-time faculty identifies as Black.

C. My Current Coursework

16. In the fall semester, I will be teaching Constitutional Law II (LAW 5502) and Torts (LAW 5700). In the spring semester, I am still solidifying my courses, but will likely be teaching Criminal Procedure: Pre-Trial Procedure, as well as Advanced Topics in Criminal Procedure: The Role of Race in Criminal Procedure.

17. Constitutional Law II is an advanced course where we go into more detail on the historical and legal bases for our constitutional framework. Torts is an introductory course that covers the history and development of the legal principles underlying non-contractual civil wrongs, both at common law and under various statutes.
18. In *The Role of Race in Criminal Procedure*, we address the often-ignored role of race in American criminal justice. This course systematically traces the role that race plays at each major stage of the criminal process, including the application of Equal Protection and Due Process principles.

D. The Interaction Between House Bill 7 (H.B. 7)¹ and the Content of My Courses

19. On April 22, 2022, Governor Ron DeSantis signed H.B. 7 into law. This law amended § 1000.05(4), Fla. Stat., to add a list of eight prohibited concepts that instructors are permitted to denounce but are not permitted to advance.
20. As I understand it, H.B. 7 makes it illegal to teach about the existence and manifestations of systemic racism in the legal system. The law does this explicitly by limiting instruction on the racial origin and impact of concepts like “neutrality, objectivity, and racial colorblindness” and also broadly chills instruction in the realm of critical race thinking.

¹ Ch. 2022-72, Laws of Fla.

21. From a legal teaching perspective, it is pedagogically appropriate to teach the concepts that H.B. 7 now prohibits, because they are grounded in case law, academic research, and well-recognized analytical frameworks. Moreover, using these concepts—particularly those that pertain to analyzing and understanding systemic inequalities perpetuated by our legal system—is valuable because it helps to inspire and teach students on how to bring about transformative change. By discussing topics like systemic racism, for example, we prepare students to bring about positive change against racism. Discussion of these topics often exposes students to ideas and concepts for the first time, like instances of racism in the criminal justice system, and prompts students to think about their career trajectories and how they can promote change as future lawyers. We cannot begin to address the problems within our legal system without first understanding what needs to be changed.

22. An example of specific material that H.B. 7 could require me to no longer use in one of my courses is *Cases and Materials on Combatting Racism in Criminal Procedure*, the casebook I authored. Last fall, I assigned this casebook in my course on The Role of Race in Criminal Procedure, and the vast majority of the required readings in that course came from the book. *See* Attached Exhibit B. This casebook discusses the ways in which racism became and has remained embedded in our criminal legal system. *See*

Attached Exhibit C. This casebook does not conform with H.B. 7's mandate of "colorblindness," and it is hard for a student to conclude that I do not endorse the material in the book when I am the one who authored it and the book includes excerpts of my scholarship. *See id.*

E. How H.B. 7 Will Impact My Teaching and My Courses

23. H.B. 7 impacts my ability to teach each of my courses, because central to my teaching philosophy is the premise that the legal system is not, and has never been, race-neutral. I ask students to look critically at the legal system from the perspective that the system is very color-conscious and promotes race privilege. For example, when I teach my criminal procedure courses, I start with the idea that all modern criminal procedure is based on race-conscious decision-making. A significant portion of the course involves looking at race in the criminal justice system from a critical point of view, including the racism that led to the murder of Fred Hampton, the Attica Prison Riots, and newer forms of slavery—like prison labor—that continue to this day.
24. This perception of the legal system extends beyond criminal procedure; in Constitutional Law we discuss a number of events from a critical perspective regarding race, including the racial implications of the founding of the Constitution and the enforcement of civil rights. In Torts, we discuss race and tort liability.

25. My ability to fully and accurately present these nuanced and complex issues is directly impacted by the limits H.B. 7 places on using viewpoints like “[s]uch virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist.” § 1000.05(4)(a)(8), Fla. Stat.

26. The way I teach, therefore, cannot comport with H.B. 7, as the law directly challenges a foundational notion of my pedagogy: that the legal system is not race-neutral.

27. H.B. 7 also chills student speech in the classroom, as students will be afraid to express their views on race in a way that they now perceive is contrary to Florida law. I fear that fewer students will choose to combat racism as a part of their profession, not only because they won’t have received sufficient instruction due to H.B. 7’s prohibitions on teaching, but also due to a perception that the state stands in opposition to such a career.

28. I know that I will face negative consequences for teaching students as I had prior to the enactment of H.B. 7, given that such teaching will now be illegal.

29. I am also concerned that the state government will strip FAMU Law of funding if I violate H.B. 7. I spent almost a decade as Dean and Interim Dean of FAMU Law. I left my position as Dean of Northern Illinois University College of Law to come to FAMU Law and help the law school achieve full

accreditation. The success of FAMU Law and its continued financial sustainability, which relies on state funding, are particularly important to me.

30. I expect that we will see a reduction in courses that involve critical race thinking, as professors—especially those without tenure—will not want to take a chance teaching courses that implicate the prohibited concepts, and therefore may run the risk of violating H.B. 7.

31. In my personal opinion, H.B. 7 appears targeted at Black educators, scholars, and thinkers. For one, the legislative proposal that led to H.B. 7, the “Stop Woke Act,” focuses on the word “woke,” a word that Black people created and popularized. Moreover, H.B. 7 appears to be a direct reaction to the shift in dynamic that occurred in Florida, and around the nation, following the murder of George Floyd, where there was a new-found recognition of ongoing race-motivated violence and racial disparities in America. H.B. 7 appears to be an attempt by the legislature to push back against these conversations and the growing awareness of racism among the populace.

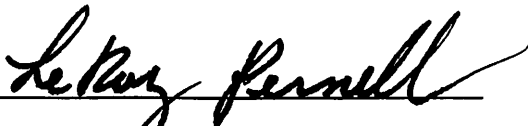
F. Exhibits

32. Attached as **Ex. A** is a true and correct copy of the ABA’s 2021 Standard 509 Information Report for FAMU Law.

33. Attached as **Ex. B** is a true and correct copy of my syllabus from my
Advanced Topics in Criminal Procedure: The Role of Race in Criminal
Procedure course that I taught in the fall 2021 semester.
34. Attached as **Ex. C** is a true and correct copy of the title page and table of
contents from the *Cases and Materials on Combatting Racism in Criminal
Procedure* casebook I authored.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and accurate.

Executed on August 10, 2022.


LeRoy Perrell

Ex. A

FLORIDA A&M UNIVERSITY - 2021 Standard 509 Information Report

201 Beggs Avenue
Orlando, Florida 32801

Phone: 407-254-4010

Website: <http://law.famu.edu/>

<http://www.abarequireddisclosures.org>

Report Generated on: 12-14-2021

ABA
Approved
Since
2004

**The Basics**

Type of school	Public
Application deadline	May 31
Application fee	
Financial aid deadline	May 1

Academic Calendar

Term	Semester
Months students may begin studying law	August
Months the Law school confers degrees	May, August, December
# of credit hours required to earn the JD	90

Curricular Offerings 2020-2021**2020-2021**

Typical first-year section size, excluding Legal Research & Writing	41
Number of course titles, beyond the first year curricular, offered last year	71
Number of upper division class room course sections with an enrollment:	
Under 25	73
25 to 49	27
50 to 74	15
75 to 99	1
100 +	0
Number of seats available in law clinics last year	42
Number of field placements positions filled last year	175
Number of seats available in simulation courses	462
Number of seminars	15
Number of co-curricular offerings	3

2021 First Year Class (Oct 6th 2020-Oct 5th 2021)

	2021
Completed Applications	1515
Offers of Admission	561
Acceptance Rate (Percent)	37.03%
Enrollees from Applicant pool	130
Enrollment rate from Completed Applications	8.58%
Enrollment rate from Offers of Admission	23.17%
Other first-year enrollees	0

	All	Full Time	Part Time
Total in First-year class	130	104	26

LSAT	All	Full Time	Part Time
75th Percentile	152	152	152
50th Percentile	149	149	148
25th Percentile	147	147	146
# not included in LSAT calculations	0	0	0

UGPA	All	Full Time	Part Time
75th Percentile	3.64	3.68	3.43
50th Percentile	3.42	3.44	3.21
25th Percentile	3.15	3.23	3.03
# not included in UGPA calculations	3	1	2

GRE	All	Full Time	Part Time
75th Percentile GRE Verbal Reasoning	0	0	0
50th Percentile GRE Verbal Reasoning	0	0	0
25th Percentile GRE Verbal Reasoning	0	0	0
75th Percentile GRE Quantitative Reasoning	0	0	0
50th Percentile GRE Quantitative Reasoning	0	0	0
25th Percentile GRE Quantitative Reasoning	0	0	0
75th Percentile GRE Analytical Writing	0	0	0
50th Percentile GRE Analytical Writing	0	0	0
25th Percentile GRE Analytical Writing	0	0	0

J.D Enrollment as of October 5th 2021																	
	JD1				JD2				JD3				JD4				Total
	T	M	W	O	T	M	W	O	T	M	W	O	T	M	W	O	T
Hispanics of any race	34	9	25	0	20	5	15	0	32	9	23	0	6	1	5	0	92
American Indian or Alaska Native	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Asian	1	1	0	0	3	2	1	0	2	0	2	0	0	0	0	0	6
Black or African American	60	14	46	0	48	10	38	0	86	25	61	0	4	0	4	0	198
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Two or More Races	3	2	1	0	2	0	2	0	5	2	3	0	0	0	0	0	10
Total Minority	98	26	72	0	73	17	56	0	125	36	89	0	10	1	9	0	306
White	31	10	21	0	15	9	6	0	53	25	28	0	8	5	3	0	107
Nonresident Alien	0	0	0	0	1	0	1	0	0	0	0	0	1	1	0	0	2
Race and Ethnicity Unknown	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	130	36	94	0	89	26	63	0	178	61	117	0	19	7	12	0	416

Faculty Resources 2020 - 2021

	Male	Female	Other	People of Color	Total
Full-time faculty members	14	19	0	27	33
Non-full-time faculty	16	7	0	14	23
Total	30	26	0	41	56
	Full Time	Part Time			Total
Librarians	8	0			8
Administrators	15	0			15

J.D. Degrees Awarded 2020-2021

Hispanics of any race	39
American Indian or Alaska Native	0
Asian	1
Black or African American	72
Native Hawaiian or Other Pacific Islander	1
Two or More Races	3
Total Minority	116
White	37
Nonresident Alien	1
Race and Ethnicity Unknown	0
Total	154

1L Tuition and Fees 2021 - 2022

Per Annual:	Resident	Annual Fees	Non-Resident	Annual Fees	Other	Annual Fees
Full-Time	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Part-Time	\$ 0	\$ 0	\$ 0	\$ 0		
Per Credit:	Resident	Annual Fees	Non-Resident	Annual Fees	Other	Annual Fees
Full-Time	\$ 456	\$ 13,851	\$ 1,098	\$ 33,112	\$ 0	\$ 0
Part-Time	\$ 456	\$ 8,836	\$ 1,098	\$ 21,035		
Tuition Guarantee Program			No			

Grants and Scholarships 2020-2021

	Total		Full Time		Part Time	
	#	%	#	%	#	%
Total # of students	472	100	358	76	114	24
Total # receiving grants	422	89	337	94	85	75
Less than 1/2 tuition	376	80	300	84	76	67
Half to full tuition	36	8	29	8	7	6
Full tuition	0	0	0	0	0	0
More than full tuition	10	2	8	2	2	2
75th Percentile grant amount			\$ 2,213		\$ 2,213	
50th Percentile grant amount			\$ 2,213		\$ 2,213	
25th Percentile grant amount			\$ 713		\$ 1,500	

Living Expenses 2021-2022

Estimated Living Expenses for singles

Living on Campus	\$ 0
Living Off Campus	\$ 28,644
Living At Home	\$ 17,366

Conditional Scholarships 2020-2021

Students Matriculating in	# Entering with	# Reduced or Eliminated
2020-2021 Academic Year	2	1
2019-2020 Academic Year	0	0
2018-2019 Academic Year	0	0

Please note that due to the COVID-19 pandemic, some schools reduced/eliminated conditional scholarships for the duration of the pandemic.

Academic Attrition 2020-2021

	JD1					JD2				JD3				JD4				UL
	T	M	W	O	%	T	M	W	O	T	M	W	O	T	M	W	O	%
Hispanics of any race	1	1	0	0	5.9	0	0	0	0	0	0	0	0	0	0	0	0	0.0
American Indian or Alaska Native	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Asian	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Black or African American	7	3	4	0	12.3	1	0	1	0	0	0	0	0	0	0	0	0	0.6
Native Hawaiian or Other Pacific Islander	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Two or More Races	1	1	0	0	6.7	1	0	1	0	0	0	0	0	0	0	0	0	2.2
Total Minority	9	5	4	0	9.9	2	0	2	0	0	0	0	0	0	0	0	0	0.8
White	4	3	1	0	19.0	2	0	2	0	0	0	0	0	0	0	0	0	1.9
Nonresident Alien	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Race and Ethnicity Unknown	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Total	13	8	5	0	11.6	4	0	4	0	0	0	0	0	0	0	0	0	1.1

Other Attrition 2020-2021

	JD1					JD2				JD3				JD4				UL
	T	M	W	O	%	T	M	W	O	T	M	W	O	T	M	W	O	%
Hispanics of any race	1	0	1	0	5.9	0	0	0	0	0	0	0	0	0	0	0	0	0.0
American Indian or Alaska Native	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Asian	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Black or African American	1	0	1	0	1.8	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Native Hawaiian or Other Pacific Islander	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Two or More Races	2	2	0	0	13.3	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Total Minority	4	2	2	0	4.4	0	0	0	0	0	0	0	0	0	0	0	0	0.0
White	1	1	0	0	4.8	0	0	0	0	1	1	0	0	0	0	0	0	1.0
Nonresident Alien	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Race and Ethnicity Unknown	0	0	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Total	5	3	2	0	4.5	0	0	0	0	1	1	0	0	0	0	0	0	0.3

Transfers 2020-2021	
JD1 Transfers Out	4
Transfers In*	2
75th Percentile JD1 GPA	0.00
50th Percentile JD1 GPA	0.00
25th Percentile JD1 GPA	0.00
*GPA Percentiles provided if School has 12 or more transfers in. If more than 5 but less than 12 transfers in only 50th percentile will be provided.	

Ex. B

FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY
COLLEGE OF LAW

Advanced Topics in Criminal Procedure: The Role of Race in
Criminal Procedure
2 credit hours

Fall 2021

COURSE SYLLABUS

Professor LeRoy Pernel
Room 337G
407-254- 4034

leroy.pernell@famu.edu
Office Hours: M & W
4 p.m. – 6 p.m.

**WELCOME TO ADVANCED TOPICS IN CRIMINAL PROCEDURE: THE
ROLE OF RACE IN CRIMINAL PROCEDURE!**

COURSE DESCRIPTION

Advanced Topics in Criminal Procedure: The Role of Race in Criminal Procedure is a 2-credit course which addresses the emerging national concern over the unwanted, but often ignored, role of race in American criminal justice. Legal scholars have long noted that race plays a role in how our criminal process works. This course systematically traces the role that race played, at each major stage of the criminal process including the application of Equal Protection and Due Process principles.

COURSE OBJECTIVES

At the conclusion of the course, students should have acquired knowledge on the significance that race has played in criminal procedure and the United States Constitutional issues raised.

STUDENT LEARNING OUTCOMES

By the end of this course, you should be able to

- Identify United States Constitutional Issues
- Understand the civil rights implications of leading criminal procedure doctrine.
- Develop strategies for improving the criminal justice system.
- Be reinforced in the understanding of criminal justice doctrine that may be reflected in bar examinations.

CLASS SCHEDULE

Friday 1:00 p.m. – 3:00 p.m.

REQUIRED MATERIALS

LeRoy Pernell and Omar Saleem, *CASES AND MATERIALS ON COMBATING RACISM IN CRIMINAL PROCEDURE*, (Vandeplas Publishing 2021)
ISBN: 978-1-60042-525-7

TWEN

You must register on TWEN for this class. Course assignments, notices, schedule changes, etc. will be posted on the TWEN site. It is the responsibility of each student to regularly check the TWEN site for any changes/modifications to course specifics. The address is <http://lawschool.westlaw.com/> then follow the link to TWEN. Please use a valid famu.edu e-mail address to sign up on the TWEN site.

CLASS FORMAT

Lecture and Socratic. Significant use of multi-media

CREDIT HOUR POLICY

This is a 2 credit hour class which complies with the College of Law's Credit Hour Policy as published at the College of Law and in accordance with the American Bar Association Standard 310.

CLASS ATTENDANCE REQUIREMENTS AND TARDINESS POLICY:

You are enrolled in a professional institution. Class attendance, participation and punctuality are mandatory. You are required to attend all class meetings and are to record your attendance daily by signing the attendance roll. Attendance includes the obligation to arrive on time. Any student who is late to class will not be allowed to sign the attendance roll and will be considered absent from class. Questions of "excused" absences or reasons for tardiness will not be entertained. If you are absent, for whatever reason, you are absent. If you are not prepared for class on any given day, you are absent for that day. Please ensure that you read and adhere to the law school's attendance policy, located in the student handbook. Students who miss more than the allotted number of classes per the student handbook will receive an F and will be automatically dropped from the class. **It is your responsibility to contact the Associate Dean for Student Services or the Director of Student Affairs during the semester at the earliest time possible if you run into difficulties complying with these standards.**

EXAMINATIONS AND GRADING SYSTEM

You will have a Final Exam. The final examination given at the end of the semester will determine the remaining 100% of your grade for this course. The final will be "open book".

This final examination will be 3 hours in length. It will be an essay exam. In addition, there will be formative assessment opportunities provided throughout the semester which are not graded.

The date and time for the final examination will be set by the Dean's office and posted later in the semester. **Any rescheduling due to conflicts or illness must be done through the Office of the Associate Dean for Academic Affairs and *not* mentioned to me in order to preserve your anonymity.**

ACADEMIC HONOR CODE POLICY

Pursuant to the Student Code of Conduct, "[s]tudents at the College of Law are members of both the law school community and the larger University community. The College of Law adopts as its Honor Code the University's Code of Conduct now and as might be later amended. As such, the University's Student Code of Conduct shall govern all academic and non-academic misconduct that are not expressly addressed or covered by the College of Law Student Handbook. All students should review and be knowledgeable about FAMU Regulation 2.012-2.013 University Student Code of Conduct . . ." The University's Academic Honor Policy is located in the FANG Student Handbook, under the Student Code of Conduct- Regulation 2.012 section, beginning on page 55-56.

POLICY STATEMENT ON NON-DISCRIMINATION

It is the policy of Florida Agricultural and Mechanical University to assure that each member of the University community be permitted to work or attend classes in an environment free from any form of discrimination including race, religion, color, age, disability, sex, marital status, national origin, veteran status and sexual harassment as prohibited by state and federal statutes. This shall include applicants for admission to the University and employment.

ADA COMPLIANCE

To comply with the provisions of the Americans with Disabilities Act (ADA), please advise the Office of Student Affairs of any accommodations required to insure participation in this course. Documentation of disability is required and should be submitted to the Learning Development and Evaluation Center (LDEC). For additional information please contact the LDEC at (850) 599-3180.

OUTLINE AND READING ASSIGNMENTS

The following pages contain the outline and reading assignments for the course. Reading assignments are subject to specific direction by the instructor in class, email or by TWEN.

Advance Topics: Race and Criminal Procedure

Required Casebook : LeRoy Pernell and Omar Saleem, *Cases and Materials on Racism in Criminal Procedure*, (Vandeplas 2021)

The Presence of Race in the Criminal Justice System Before and after the Civil War

Case Book pages 3 - 28

Dred Scot v. Sanford

The Dredd Scott Decision; Speech by Frederick Douglass

Armistad – In Class Presentation

United States v. Amy

Race, Criminal Justice and the Fourteenth Amendment

Casebook pages 29-49

Brown v. Mississippi

Powell v. Alabama

Scottsboro: An American Tragedy (in class presentation)

Race and Interrogation

Casebook pages 50-86

Brown v. Mississippi (re-visited)

Chambers v. Florida

Lyons v. Oklahoma

Haley v. Ohio

The Central Park Five (in class presentation)

Davis v. North Carolina

Wright v. Pennsylvania

Race and the Fourth Amendment

Probable Cause to Seize, casebook pages 87 – 97

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Cases and Materials on Combatting Racism in Criminal Procedure

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INTRODUCTION

Most text implicitly foster a disconnect between the history of the significance of race in American society and the implementation and the development of modern, constitution-based criminal procedure

While brilliant work has been done on the impact of race on specific stages of the criminal process, such as jury selection and racial profiling, this work looks at the casual and pervasive impact of what W.E. B. Dubois termed as (the “color line”)the most significant problem of the twentieth century.

Racism and criminal procedure did not develop along two separate paths that occasionally crossed each other, but instead grew intertwined as a cause and effect that is only now seeing the full light of day.

As an organizational framework for this book it will first look at the functioning of the criminal justice system as part of American Slavery and race-based suppression. From there we will look at how race during reconstruction , the criminal justice implementation of Black Code “Jim Crow” laws, lynching, race-based terrorism, prior and during the civil rights movement, and finally, as context and prelude to an examination of due process implications of specific stages of criminal process and the current challenges of mass incarceration.

Along the way and as appropriate discussion of issues of race and criminal procedure will expand beyond the pervasive issue of racial treatment of African Americans to include the significance of race in the criminal process