



UNITED STATES COMMISSION ON CIVIL RIGHTS

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1331 PENNSYLVANIA AVE NW, SUITE 1150, WASHINGTON, DC 20425  
www.usccr.gov

Dean Claudio Grossman  
American University Washington College of Law  
4300 Nebraska Ave NW  
Washington, DC, 20016

March 28, 2016

Dear Dean Grossman:

We write as two members of the U.S. Commission on Civil Rights and not on behalf of the Commission as a whole. And while we are required to begin our letters with the preceding sentence under the Commission's rules, we would have preferred to open with: ***What is wrong with your faculty and staff members?***

We understand that a student put a note on a faculty member's door that said, "All lives matter." As law professors ourselves,<sup>1</sup> we know that it is common for students to place cartoons, news clippings and other notes on faculty member's doors. While this student did so anonymously, there was nothing particularly extraordinary about that.

The response of American University faculty and staff was nothing short of Orwellian. Nearly sixty members of the law faculty and staff signed a letter calling this an "act of intolerance," because it refers to "all lives" rather than only "black lives." This makes American University look foolish. Even sillier, the letter calls this obviously true statement—that the lives of all members of the human species are valuable—"a rallying cry for many who espouse ideas of white supremacy."

While we know that President Obama has stated that "all lives matter," we are not personally aware of any cases in which white supremacists (a rare species these days) have made that statement. Equating a student making a legitimate and utterly unobjectionable point with a white supremacist is nonsensical.

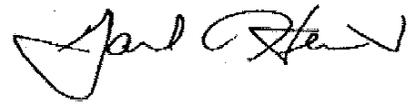
The letter further states that it is unacceptable for a student to make such a statement anonymously. But what do you expect in an environment in which faculty members will accuse a student of uttering "a rallying cry for many who espouse ideas of white supremacy"?

We are embarrassed for your law school, especially because it is a *law* school. We hope that you share our sentiments.

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<sup>1</sup> One of us (Heriot) is a tenured member of the faculty at the University of San Diego School of Law. The other (Kirsanow) was for a long time an adjunct professor at the Cleveland-Marshall College of Law.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail Heriot". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Gail Heriot

A handwritten signature in black ink, appearing to read "Peter Kirsanow". The signature is more compact and stylized, with a prominent initial "P" and a horizontal line extending to the right.

Peter Kirsanow