

ARTICLE: Black Lives Matter – Panel Discussion – 25.06.20

Introduction

On 25 June, the MTSA and MTYBA held a Black Lives Matter (BLM) Panel Discussion to show solidarity with the Black Lives Matter Movement following the tragic death of George Floyd. We felt it was important to contribute to the narrative surrounding the BLM movement in the legal profession and discuss issues of racism, police brutality and racial profiling in light of the global protests. We invited an esteemed panel including Master Elaine Banton, Courtenay Griffiths QC, Allison Munroe QC, Abimbola Johnson, Lola-Rose Avery, Aaron Mayers, and Ife Thompson, to discuss some of these profound issues and propose potential solutions.

The Birth of the Black Lives Matter Movement

To contextualise the BLM movement, we addressed the birth of the Black Lives Matter Movement in 2013 when 17 year old Trayvon Martin was shot dead by neighbourhood watch member, George Zimmerman - Martin had no criminal record. Zimmerman's acquittal sparked widespread demonstrations and a national debate over racial profiling and the role of armed neighbourhood watch. We discussed the lack of education about black history and the benefits of making this a mandatory module on the British curriculum. To set the tone for the event, we held a minute's silence to commemorate those who have tragically lost their lives in the UK and in the US whilst in police custody or due to racially motivated attacks.

US

Our discussion began by addressing issues of racism discrimination and examples of this in the wider society. This was demonstrated by two stark examples of systematic racism and injustice. Firstly, the microaggressions surrounding the incident of Amy Cooper and Christian Cooper in Central Park. This exemplified the weaponisation of a white woman's tears and the term 'Afro-American man threatening me' used by Ms Cooper. What would footage of the circumstances that lead to the brutal lynching of 14-year-old Emmet Till in Mississippi in 1955 have shown?

The second part of the discussion was about the brutal murder of George Floyd. Notably the officers in George Floyd's case were not fired until the video went viral, and were not charged of criminal offences until after the protests. This prompts the question: what about all those historical incidents that may have been misconstrued by alleged 'victims' in a time when smart phones didn't exist?

UK

Focussing on the UK, we examined the way in which black people are over-represented in the criminal justice system and underrepresented at the Bar. Take, for example, the disproportionate number of black people stopped and searched in comparison to their white counterparts. Further, we considered the concerning changes being proposed for the Justice System, for example getting rid of trial by jury for Either-way offences. Propositions such as this may have a detrimental effect on those who come into contact with the criminal justice system. The David Lammy Review found inequities in all different parts of our criminal Justice System when it came to black and minority defendants. Utilising our voices and registering our concerns with our members of parliament could counteract these proposals.

BLM - why now?

The lockdown has amplified the response from social media. Global BLM protests were declarations to eradicate and drive out systemic racism. Some responses have been reductive at best and performative at worst, using black lives as a marketing tool in some instances. The HR departments deciding to put a logo for BLM on their head paper on twitter. It is fashionable now, but will it be in 6 months' time?

The challenge now turns to how we can translate those words into meaningful and lasting change. In order to achieve lasting sustainable change to make black lives better, the small elite who hold the reins of power must not be complacent with discriminatory systems which operate to oppress people and create an environment of tolerance.

The Solutions

At the Bar we see that Black people, Asian, and ethnic minority people are underrepresented at every level of the profession. Initiatives such as Bridging the Bar aspire to create a bridge between talented students from non-traditional backgrounds and the skills and experience necessary for a successful career at the Bar. Middle Temple's Access to the Bar scheme also helps to facilitates social mobility.

There are problematic trends which practitioners need to challenge going forward, for example: applications referring to multiple stop and searches, even though nothing has been found and there are no convictions. Inclusion and reliance on evidence of this nature in a criminal behaviour order application gives the evidence validity without questioning the fact the person has been targeted repeatedly. Calling out these demonstrations of racial profiling and wide sweeping assumptions of gang affiliation can create a higher level of accountability and enhance social justice.

We can fall into the mentality that this is an intimidating multi-faceted problem that it is too big and complex to tackle. However. we would implore everyone to consider that in this problem lies an opportunity. The opportunity arises when we as individuals look to ourselves and the unique roles we each have to bring about the change that we want to see. We need to also use the power and influence we have at a grass roots level and as a collective focused well-resourced movement to bring about and demand the societal change so we can ensure we live in an environment where black lives really do matter!