

Justice in the Deep South: Learning from History, Charting our Future

A Mercer Law Review Symposium Friday, October 16, 2015

DEAN FLOYD: Good morning everyone. My name is Daisy Floyd. I serve as Dean of the Mercer University School of law, and it's my privilege to welcome you this morning to our annual Law Review Symposium. We look forward to this event every year; this one in particular because we are very excited about our lineup of speakers and the topics that they will be addressing today as they present *Justice in the Deep South: Learning from History, Charting our Future*.

I want to give my thanks to the Mercer Law Review members who have worked hard to bring this event together and will continue to work with our speakers so that their papers are published in our Symposium issue. I also want to bring special thanks to Professor Sarah Gerwig-Moore. This Symposium arose out of her vision and hard work, and I know many of you are here today because it is just impossible to say, no, to Professor Gerwig-Moore. As I told someone last night, that's because she never says, no, when you ask her to do anything.

This is a great opportunity to bring together our students, lawyers from the community and elsewhere, along with our speakers who bring their own expertise to discuss the topic of great importance both to our past and to our future. It is my pleasure to host all of you here today. If you need anything, please don't hesitate to let us know. My office is right across the hall, and we will be happy to help you.

Now it's my pleasure to introduce James Banter, the Lead Articles Editor for the Mercer Law Review. It is his responsibility to see this

Symposium through from start to finish. He has done a great job, and I am delighted to introduce James to you.

JAMES BANTER: Good morning. It is wonderful to see this day finally come and to see all your faces here this morning. Thank you for coming, and I also welcome you to Mercer University Law School. On behalf of Tom Shaw, the Editor in Chief of the Mercer Law Review, I would like to extend the Law Review's welcome to you.

This Symposium is a great event. We have done a lot of planning and thanks to the leadership of Professor Gerwig-Moore, it is wonderful to see this day come and for such a worthy topic. We are dealing with some tough issues today, but we are glad that Mercer is a noble place to have this special discussion.

Now I would like to introduce our speakers. I'll start with our Keynote Speaker, Professor Stephen Bright. We also have Professor Angela Allen-Bell, Ilham Askia and The Honorable Daniel Craig. Dr. David Davis is on our first panel with Professor Timothy Floyd. We have Professor Russell Gabriel, Professor Sarah Gerwig-Moore, Professor Teri McMurtry-Chubb, Mr. Teddy Reese, Ms. Sia Sanneh, and Dr. Sherod Thaxton. Please welcome all our speakers today.

I would like to introduce the lady who helped put this Symposium together, and whose enthusiasm, leadership, and vision really put all this together. Please welcome Professor Sarah Gerwig-Moore.

PROFESSOR GERWIG-MOORE: First, I want to thank James Banter and Tom Shaw, and I see Yonna Shaw in the back, and the Editorial Board has been so hard working and so competent in putting this event together. I want to thank them for all the behind the scenes work that brought this wonderful day into a reality. I'm looking out at this wonderful sea of faces. It feels a bit like a holiday to have some of my dearest friends from long ago, past and current colleagues, my students, neighbors, friends, and people that I go to for advice. Stephen Bright has been a very special and important helpful mentor to me throughout law school, as an attorney, and now as a law professor. It feels like Christmas or Thanksgiving to gather here with people who you count on and love. Our stomachs may turn as our speakers talk about lynchings in the South, about capital punishment, and about racism that pervades our criminal justice system. We are unpacking what our criminal justice system means to us, especially in the South.

How many people in the room identify themselves as a Southerner? Thank you for owning up.

I moved from West Virginia as an eight-year-old girl, and as West Virginia became a Union state at the beginning of the Civil War, I was

very proud. I actually wrapped myself in the cloak of moral superiority because West Virginia was a Union state, and I was moving to a former slave state and the Confederate title. Of course it took me a long time to realize that there are plenty of reasons not to be proud of being from West Virginia. I did live into adulthood with all of my teeth, but it also took me a while as an adult to realize that the past isn't dead. So the reasons to have feelings of ambiguity or shame didn't end with the end of the Civil War. I also realized there are lots of reasons to love being from the South. Primarily my brother-in-law, Caleb Walker's Bourbon pecan pie at Thanksgiving, boiled peanuts, and BBQ as well as this beautiful sunny day with the light filtering through the trees on the front porch of the Law School that fills you with warm feelings.

But people who have come from far and wide to grapple with how we reconcile our collective discomfort with what happened and what is happening in the South, particularly in criminal justice issues, with our regional identity, with our love for where we live or our home, and our own moral responsibility, whether we are prosecutors or defense attorneys or judges or academics, our collective moral responsibility to our universe and to our children are important issues we discuss today.

So, I would like to introduce our first panel. Throughout the day we have chosen different themes rather than trying to pocket the day in juvenile justice, the death penalty, and sentencing and policing. We have integrated our panels so you will hear several speeches from different perspectives on capital punishment. The first panel is Learning from our History and Culture. Then we have our keynote speaker, Stephen Bright, and then break for lunch. After lunch we have a panel, Learning from Struggles, with an eye toward current struggles. The final panel is Learning from Innovators and, of course, everyone today is an innovator, but we have chosen several innovators in particular who are working hard to address the issues that we're talking about throughout the day. The last discussion draws together all of the speakers, and a question and answer session that will be moderated by Professor Longan with an open discussion and maybe the beginning of a grand synthesis. Thank you all for being here today.

MS. PINDER: Good morning. My name is Kamina Pinder, and it is my pleasure to moderate the first panel. We will be hearing from Professor Sia Sanneh, Dr. David Davis, and Professor Timothy Floyd. Without further ado, Professor Sanneh.

PROFESSOR SANNEH: Thank you for that introduction, and thank you especially to Sarah and to James for pulling this incredible event together and for inviting me and all these wonderful speakers who I am