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SOUTHERN UNIVERSITY

Vision

The Louis A. Berry Institute for Civil Rights and Justice seeks to ensure the law center's place as a center of excellence in social and restorative justice and civil and human rights research, advocacy, education and instruction. It further seeks to pursue policy initiatives and judicial outcomes that promote equal rights and justice.

Mission

The Louis A. Berry Institute for Civil Rights and Justice is committed to the advancement of civil and human rights and social and restorative justice, especially in Louisiana and the South.

News

Two COVID-19 Hotspots Connect for Remote Transitional Justice Session

Written by: Angela A. Allen-Bell



Ereshnee Naidu-Silverman, PhD., Senior Program Director of the Global Transitional Justice Initiative at the International Coalition of Sites of Conscience

At the height of the COVID-19 pandemic, human rights advocates in two of the nation's hotspots joined for a remote human rights session. In New York were Ereshnee Naidu-Silverman, PhD., Senior Program Director of the Global Transitional Justice Initiative, and Braden Paynter, Acting Director for Methodology and Practice, both from the International Coalition of Sites of Conscience. In Louisiana, were the students enrolled in Professor Bell's Human Rights and a Changing World Order class along with the staff of the Louis A. Berry Institute for Civil Rights and Justice.



News (Con't)

Two COVID-19 Hotspots Connect for Remote Transitional Justice Session

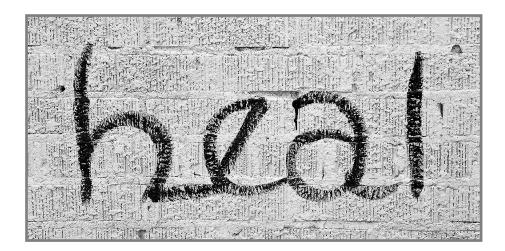


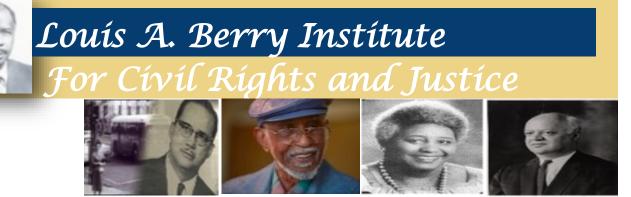
Written by: Angela A. Allen-Bell

The session was intended to offer the SULC students a glimpse into the world of transitional justice (TJ). Far more took place. The International Center of Transitional Justice explains TJ as "the set of judicial and non-judicial measures that are implemented by countries in order to redress the legacies of massive human rights abuses." They cite criminal prosecutions, truth commissions, reparations programs and various kinds of institutional reforms as examples of TJ.

During this session, the students were taught the five pillars of TJ, as well as some of the challenges that human rights advocates face as they attempt to employ TJ measures. There was much deliberation surrounding the challenging inquiry of weather to aim for peace or justice when TJ solutions are contemplated. Great emphasis was placed upon the need for managing expectations when TJ efforts are undertaken to guard against victims feeling revictimized by a process that failed to accomplish what it was never intended to. The students also learned about transformative justice, which follows TJ and seeks to accomplish social, political and economic remedies.

TJ has become the globally dominant method for addressing legacies of trauma, violence and/or oppression that have been collectively experienced by groups. It is underutilized in the United States, making this session not just important, but also necessary. The world awaits answers to how legacies of grave injustices and crimes against humanity should be remedied. It wonders if these atrocities should be forgotten or confronted? The odds of those answers emerging from Southern University Law Center just increased!





News (Con't)

SULC's Virtual Tour of "Cuttin' Cane A'int All We Do" Exhibit Written by: Tiffany Rainey



Felton Valdry's Arrest During the Kress Lunch Counter Sit-In Photo courtesy of: The Advocate/Capital City Press and Kevin McQuarn, FantomLight Production

The Louis A. Berry Institute for Civil Rights and Justice proved that its commitment to its mission can't even be stopped by the deadly COVID-19 pandemic. Since social distancing measures prohibit our normal gatherings, we partnered with the West Baton Rouge Museum (WBRM) to bring one of their latest exhibits to the SULC family and to our subscribers. The *"Cuttin' Cane A'int All We Do"* Exhibit takes visitors from the slavery era to the civil rights era. The exhibit contains artifacts, photos and videos. Kathe Hambrick, Curator and Director of Interpretation at the WBRM, describes the exhibit as a "story of survival that includes videos about the people of Louisiana and the laws that governed them after emancipation."

Dr. Angelique Bergeron, Executive Director of the WBRM, indicated that the exhibit was offered "because we feel it is crucial to tell a more complete story of the people who shaped our communities. We hope these videos help to frame our history, in both the struggles and accomplishments, and leave viewers with a sense of pride and a call to action."

At intervals during the pandemic, the Institute shared the videos, produced by FantomLight Productions, with the SULC family. The series includes interviews with: Southern University Law Professor Angela A. Allen-Bell; local historian Brian Costello; Dialogue on Race Director Maxine Crump; businessman Hall Davis, III; and, Cohn High School graduates Wilhelmina Williams Decuir, Sadie Woods, Rose Roche, and Ernest Allen.



News (Con't)

SULC's Virtual Tour of "Cuttin' Cane A'int All We Do" Exhibit Written by: Tiffany Rainey

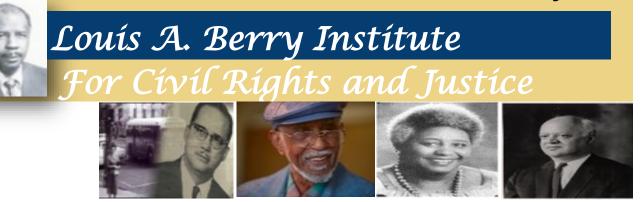
Through this medium, we now offer this virtual experience to our subscribers:

Reconstruction and Jim Crow Era

Life After Emancipation: https://vimeo.com/380655989/3a20dc361c Legally Free: https://vimeo.com/380655673/b14b887bdb The Hope of Education: https://vimeo.com/380656326/1694d69eb1 **Civil Rights Era** Let Freedom Ring: https://vimeo.com/380656712/4195e29671 The Motivation of Law: https://vimeo.com/380673362/effa24a450 The Key to a Brighter Future: https://vimeo.com/380748078/5a78f2a73



The Downtown March Photo courtesy of: The Advocate/Capital City Press and Kevin McQuarn, FantomLight Production



News (Con't)

Big Chiefs: Indians at Mardi Gras & Hidden Figures in Louisiana's Civil Rights Story Written by: Tiffany Rainey



"Big Chiefs" and Professor Maurice Martinez, PhD.

New Orleans boasts of a rich cultural landscape. The food, music and architecture are unique and satisfying. This can overshadow the bountiful civil rights history that exists alongside it. Not wanting to be complicit in this, SUNO's Center for African and African American Studies hosted the "Big Chiefs" for a discussion about the origins, purpose and significance of the Mardi Gras Indians.

The Mardi Gras Indians are an aspect of a larger civil rights and resistance story dating back to the 1700s. When some of the enslaved fled, they sometimes hid in the bayous of Louisiana where Native Americans often rendered aid. The group's signature is the breathtaking suits that they unveil on Mardi Gras day. The suits and headdress worn by the Mardi Gras Indians are adorned in sequins, beads, and feathers. They are entirely hand sewn and designed to pay homage to the Native American ancestors who offered the slaves support and protection. The crafting of the suits and headdress is an artform taught by elders committed to preserving the tradition. It is not unusual that a single suit set will take an entire year of labor. Masking is unpaid and in no way profitable. It is a cultural tradition that involves immeasurable pride.

Mardi Gras has racial contours that are relevant to this discussion. In the aftermath of the Civil War, floats and costumes reinforced white supremacy. Mardi Gras Parade Krewes were not integrated. The Mistick Krewe of Comus, founded January 4, 1857, serves as one poignant illustration. This Krewe was an invitation-only, white, aristocrat male society. This Krewe did not agree with the social changes that were taking form during the Reconstruction era. To demonstrate this, in 1873 The Mistick Krewe of Comus themed their first parade: "The Missing Link to Darwin's Origins of Species." Their goal was to remind African Americans of their "proper place." In 1992, New Orleans desegregated its Mardi Gras Krewes. Prior to then, African Americans held their alternative traditions and celebrations, which included the Mardi Gras Indians. These traditions outlived the desegregation order and continue with great dignity.

The voices of the panel members captured the love and commitment that the "Big Chiefs" have for their artform and the enthusiasm that Dr. Maurice Martinez, Professor at University of North Carolina, has for his research about the Indians. The panel taught the audience about the approximately forty Mardi Gras Indian tribes in New Orleans, each having anywhere from four to over a dozen members. They spoke about the well-defined roles that exist within the ranks of each tribe. They described the Big Chief as the tribal leader who's often assisted by the second chief and the queens. They spoke of the spy boy as being one of the toughest of all the other Indians who looks ahead for trouble. The flag boy, they told, walks between the spy boy and the chief and relays messages between them. He also carries the tribe's flag and sends a signal to the Big Chief who controls his tribe by hitting his stick on the ground. The Wildman, they explained, clears the path among the spectators for the Big Chiefs to face off.



News (Con't)

Big Chiefs: Indians at Mardi Gras & Hidden Figures in Louisiana's Civil Rights Story Written by: Tiffany Rainey



The audience learned that Mardi Gras Day was once a time where Mardi Gras Indians settled differences through less than diplomatic means. Dr. Martinez gave attribution to the late Chief Allison "Tootie" Montana for replacing that history with a tradition of settling scores with suits—whoever creates the more creative and appealing suit is declared the victor. It was also revealed that the Downtown Indians are recognized by suits primarily made of sequins and feathers whereas the Uptown Indians are known for their use of beads, rhinestones, and feathers. The chiefs noted that the Mardi Gras Indians are seen on Fat Tuesday (Mardi Gras Day), St. Joseph's Day (the third Thursday in March) and Super Sunday (the third Sunday in March).

The majority of chiefs in attendance had approximately fifty years participation in the tradition to their credit. Panelists included: Chiefs Walter "Sugar Bear" Landry, Big Chief of the Black Hawk Tribe; Alford "Al" Womble, Big Chief of the Cheyenne Tribe; Kevin Goodman, Big Chief of the Flaming Arrow Tribe; Darryl "Mut Mut" Montana, Big Chief of the Yellow Pocahontas Tribe; Clarence "Delco" Dalcour, Big Chief of the Osceola Creole Tribe; Victor "Vic" Harris, Big Chief of the Spirit of Fi Ya Ya Tribe; Ray "Hatchet" Blazio, Big Chief of the Wild Apache Tribe; Tyrone Casby, Big Chief of the Mohawk Hunters along with Dr. Maurice Martinez, Professor at University of North Carolina. SUNO faculty, staff and students joined the community, tribe members, family of the chiefs and Baby Dolls for an unforgettable evening that also included music and food.

Big Chief Davis Peters Montana of the Washitaw Nations Tribe with Pernell Hebert Photo courtesy of: Monty Marsh @weguap



Big Chief Clarence Delcour, Professor Bell, Tiffany Rainey, Ja'Nai Brumfield



Big Chiefs and Tribes Chanting and Playing Tambourines

May 2020 Louis A. Berry Institute For Civil Rights and Justice Image States States

News (Con't)

Big Chiefs: Indians at Mardi Gras & Hidden Figures in Louisiana's Civil Rights Story Written by: Tiffany Rainey



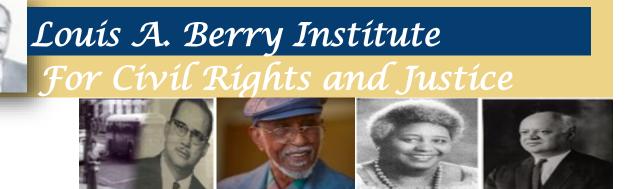
Guest, Professor Bell, Baby Doll, Tiffany Rainey

The Mardi Gras Indians assume their post knowing full well that they are the featured actors in a show that once excluded them. They plan their appearances, being sure not to disappoint their ancestors, tribe and community. They, like the Louis A. Berry Institute for Civil Rights and Justice, operate knowing that homage is due to those who aided in the African American struggle against racism, exclusion and oppression when the denial of help would have come with greater rewards. The Mardi Grad Indians' commitment to this rich cultural tradition serves as social capital for the African American community. For this, they shall no longer exist as hidden figures in Louisiana's civil rights story.

To listen to Indian Red, the anthemic sound of the Mardi Gras Indians, click here: <u>https://www.npr.org/2019/03/31/705972111/in-new-orleans-indian-red-is-the-anthemic-sound-of-tradition</u>



Tiffany Rainey, Big Chief Tyrone Casby, Professor Bell



News (Con't) Dissident Speech: A Human Right to Be Preciously Guarded Written by: Chelsea Hale and Derrick West

To the average person, speech is too commonplace to prompt much thought. Guardians of civil and human rights have an entirely different perspective on the subject, however. They understand the vitality of dissident speech—speech used to challenge an oppressive or unjust law, doctrine, custom, policy, or practice—when it comes to the achievement of social justice. A glimpse through history details an undisturbed pattern of civil and human rights victories being achieved through protests, marches, community gatherings, boycotts and other forms of dissident speech.

Artist seeking to prompt social change frequently utilize dissident speech. A number of human rights provisions offer protection for this. Article 27 of the Universal Declaration of Human Rights indicates that everyone has the right "to enjoy the arts." Article 15(3) of the International Covenant on Economic, Social and Cultural Rights urges States to respect the freedom "indispensable for…creative activity." Article 19 (2) of the International Covenant on Civil and Political Rights recognizes that the right to freedom of expression includes the freedom to seek, receive and impart information of and ideas of all kinds "in the form of art." Despite this guidance, many artists who assert their right to utilize dissent speech face retaliation and adverse consequences.

The United Nations issues mandates to experts who are tasked with ensuring compliance with human rights ideals. In fulfillment of her mandate, Farida Shaheed, Special Rapporteur in the Field of Cultural Rights, has not been subtle about her positions on the right to freedom of artistic expression and creativity. In her fifth thematic report, Ms. Shaheed urged nations to critically review legislation imposing restrictions on the right to artistic expression and to ensure the protection of such freedom. She also reached these noteworthy conclusions and recommendations:

The effects of art censorship or unjustified restrictions of the right to freedom of artistic expression and creativity are devastating. They generate important cultural, social and economic losses, deprive artists of their means of expression and livelihood, create an unsafe environment for all those engaged in the arts and their audiences, sterilize debates on human, social, and political issues, hamper the functioning of democracy and most often also impede debates on the legitimacy of censorship itself.

In many cases, censorship is counterproductive in that it gives wider publicity to controversial artworks. However, the fear censorship generates in artists and art institutions often leads to self-censorship, which stifles art expression and impoverishes the public sphere. Artistic creativity demands an environment free from fear and insecurity.



Photo courtesy of : Tyron Downing @eyeshotthapix

Baton Rouge artists Donney Rose and Kristen Downing justify the need for continuing efforts to protect the use of dissident speech. Mrs. Downing, artist, activist, and owner of KAWD Art Gallery, produces art that illuminates the oppression and trauma often silently experienced by minorities.



News (Con't) Dissident Speech: A Human Right to Be Preciously Guarded Written by: Chelsea Hale and Derrick West



Kristen Downing's "I AM MAN" Photo courtesy of: Tyron & Kristen Downing

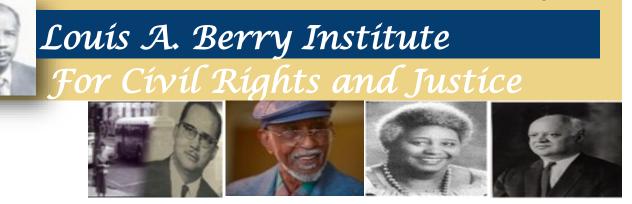
Her work gives hope and affirmation where it is often lacking. An example presents itself in her piece: "I AM A MAN." This work, in a non-verbal way, reminds society of the diminished value it has placed upon African American men while it simultaneously showcases their refusal to accept their placement at the bottom. "I AM A MAN" reminds society that African American men have consistently rebelled against the imposed theme of a life presenting but two options: being carried by six or judged by twelve.



Donney Rose During "The American Audit" Performance

Mr. Rose, a Baton Rouge poet, artist and educator, recently used the extended metaphor of America as a business being audited by African Americans to force society to begin the process of quantifying years of oppression, bias and discrimination. In "The Audit," Mr. Rose blends poetry, audio, video, interviews and visceral imagery to assess over 400 years of African American life. He observes that "American Blackness" is "hard work" with "brutal hours" and it operates under a management structure that is "ever changing but the mission statement remains the same." The findings of the audit are jolting. The auditor describes the business as an "enterprise of error that needs to issue lifetime rebates for humanity demanding a refund on...flawed terms and conditions." The Audit exposes the business as "a ruse" and a "hoax on humanity" that "cooked the books."

Mr. Rose and Mrs. Downing are a small subset of a larger group of artists who operate on a world stage. These local, national and international artists are visionaries who aid in creating a global future that is free from all forms of oppression. Dissident art is a key capable of unlocking the doors to a future that will catapult humanity into a zone where both civil and human rights will be achieved by all. Because of its importance to the achievement of civil and human rights goals, restrictions upon it should be aggressively challenged.



News (Con't) Dissident Speech: A Human Right to Be Preciously Guarded Written by: Chelsea Hale and Derrick West

For further information, use these links:

About Donney Rose: https://www.donneyrosepoetry.com

About Kristen Downing: https://kawdartgallery.com

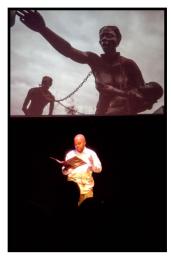
Farida Shaheed's 3/14/2013 "The Right to Freedom of Artistic Expression and Creativity" Report: https://digitallibrary.un.org/record/755488?In=en#record-files-collapse-header



Tiffany Rainey, Donney Rose & Professor Bell After a Recent Showing of "The Audit"



News (Con't) Dissident Speech: A Human Right to Be Preciously Guarded Written by: Chelsea Hale and Derrick West



Donney Rose During "The American Audit" Performance

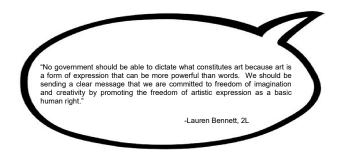
"The Multimedia spoken word poetry project, "The American Audit," is a compelling and poignant accounting of our nation's history, and a reckoning of the impact of racist laws and systems of Black Americans over 400 years. Told through the steps of a financial audit, the powerful prose is magnified by the haunting images that appear on screen, while the video interviews provide a stunningly accurate depiction of America's past and present reality. The entire Manship Theatre audience was captivated with bated breath from start to finish. Donney's voice is one in a generation, and one we should all be listening to."

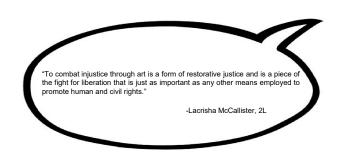
-Meghan Matt, 2L

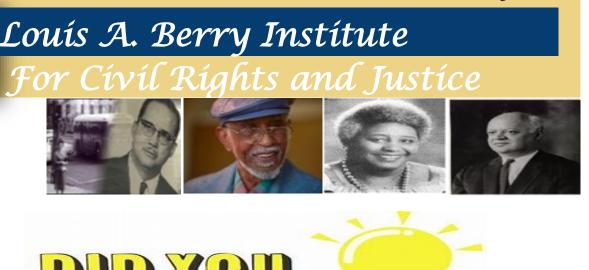




Kristen Downing's Painting The Son NOLA Photo courtesy of: Tyron Downing @eyeshotthapix







... That Racial Impact Bills Exist & Are Gaining Support?

Written by: LaCrisha McAllister

Writing laws without regard to how they could impact communities of color and the most marginalized is irresponsible law making. Many states have begun to realize this. A solution fashioned by these states is the use of racial impact statements. Modeled after environmental and fiscal impact statements, racial impact statements evaluate, prior to implementation, the potential for disparities that a legislative or policy proposal could have on communities of color.

This effort has not gone unopposed. Opponents contend that laws should be written without regard to race. In absence of such a deep-rooted history of creating laws that disproportionately impact racial minorities, this argument might have greater merit. The reality is that there have been intentional efforts to use legislation to harm minorities. Jim Crow laws and Louisiana's non-unanimous jury law are examples. There is also a well documented history of what appears to be race-neutral legislation that has been discriminatory in its impact. The crack-cocaine versus powder cocaine disparity a one such example. In both instances, a racial impact statement could have foreshadowed the tragedy that has now been realized.

Prompted by a 2007 report finding that lowa had the greatest racial disparity in their prison population, in 2008, lowa became the first state in the United States to require some form of a racial impact statement. Later, a bill seeking to impose harsher sentences for those who resist prison guards was introduced. Researchers began their analysis. They found that, because the prison population of African Americans was so high in a state that is 88% white, that 35% of those who committed the proposed offense would very likely be minorities. When this data was presented (in the form of a racial impact statement), the bill was defeated. Connecticut, Oregon, New Jersey, Minnesota, and Florida all have implemented some form of requirement for racial impact statements at different points in the law making and criminal justice process.

Legislators in Arkansas, Illinois, Kentucky, Mississippi, New York, Oklahoma, and Wisconsin have introduced legislation to adopt racial impact policies. With growing calls to decarcerate and with increasing levels of racial disharmony, it is hopeful that all states will embrace the use of racial impact bills.





Reading Assignment



The Radical Work of Healing: Fania and Angela Davis On a New Kind of Civil Rights Activism

In 1969, Angela Davis was fired from her teaching position at UCLA because of her membership in the Communist Party. She was later accused of playing a supporting role in a courtroom kidnapping that resulted in four deaths. The international campaign to secure her release from prison was led by, among others, her sister Fania. Angela was eventually acquitted and continues to advocate for criminal justice reform. Inspired by Angela's defense attorneys, Fania became a civil rights lawyer in the late 1970s and practiced into the mid-1990s. Fania founded Restorative Justice for Oakland Youth. Today, she is calling for a truth and reconciliation process focused on the historic racial trauma that continues to haunt the United States.

For more information: https://portside.org/2020-04-06/radical-work-healing-fania-and-angela-davis-new-kind-civil-rights-activism

Justice Delayed But Not Denied: Transitional Justice in El Salvador

Over the course of three days in December 1981, soldiers who were part of the El Salvador Army murdered nearly 1,000 civilians in El Mozote and other towns in the northeastern part of the country. El Salvador's civil war lasted just over 12 years, from 1980 to 1992. Survivors and families have spent years fighting for recognition, justice and reparations. Decades of denial of the massacre by former government, a new administration and bureaucratic mazes have left expected reparations stalled. Into this bureaucratic puzzle stepped the UN Human Rights Regional Office for Central America (ROCA), which since 2016 has worked in El Salvador to provide technical assistance and support through the twists of transitional justice. The Office has provided technical and legal support to the country's Attorney General's Office and to civil society for the investigation and criminal prosecution of crimes against humanity and war crimes committed in the context of the armed conflict.

For more information: https://www.ohchr.org/EN/NewsEvents/Pages/TransitionalJusticeElSalvador.aspx

Locals React to Supreme Court Ruling on Split Juries

Local prosecutors say the U.S. Supreme Court's ruling that state juries must be unanimous to convict defendants in criminal trials won't have a major impact on older cases that ended with split juries. Angela Allen-Bell, a Southern University law professor who's written extensively about the split jury issue, said the practice had racist origins that dated back to the constitutional convention in 1898. When the measure was originally adopted, the law allowed nine of 12 jurors to convict a defendant. The state constitution was eventually tweaked to allow 10-2 jury votes in 1973.

For more information: https://www.dailycomet.com/news/20200425/locals-react-to-supreme-court-ruling-on-split-juries

Theodore Gaffney, who Photographed the Freedom Riders as They Protested Segregation, Dies of Covid-19 Complications

On May 4, 1961, a group of activists, along with Booker and Gaffney, boarded a Greyhound bus from Washington D.C. with the goal of reaching New Orleans. Gaffney kept his distance from the Freedom Riders during the trip, wary of the risks that came with carrying a camera. He was afraid that the further South he traveled, if people found out he had a camera, he might not come back -- and his fears were nearly realized.

For more information: https://www.cnn.com/2020/04/21/us/theodore-gaffney-freedom-riders-obit-trnd/index.html



Reading Assignment (Con't)



Women in Prison: Seeking Justice Behind Bars

This report examines the experiences of justice-impacted women. It covers a range of issues, including access to healthcare, prevention of sexual assault, discipline and segregated housing, parental rights, and availability of programming.

For more information: <u>https://www.usccr.gov/pubs/briefing-reports/2020-02-26-Women-in-Prison.php</u> Type=EmailBlastContent&eld=61410a0f-9b0e-43c2-a648-a815a4b67323

Early Data Shows African Americans Have Contracted and Died of Coronavirus at an Alarming Rate

Environmental, economic and political factors have compounded for generations, putting African Americans at higher risk of chronic conditions that leave lungs weak and immune systems vulnerable: asthma, heart disease, hypertension and diabetes. The U.S. Centers for Disease Control and Prevention tracks virulent outbreaks and typically releases detailed data that includes information about the age, race and location of the people affected. For the coronavirus pandemic, the CDC has released location and age data, but it has been silent on race.

For more information: <u>https://www.propublica.org/article/early-data-shows-african-americans-have-contracted-and-died-of-coronavirus-at-an-alarming-rate</u>

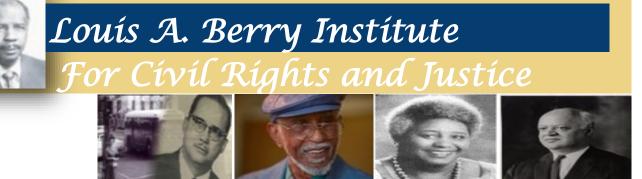
Blacks in Corporate America Still Largely Invisible, Study Finds

African Americans who work in corporate America feel marginalized, find it exhausting to be authentic on the job, are often overlooked for promotions, endure subtle racism at work and remain virtually nonexistent in upper management roles, creating an unsettling workplace, according to a study published. At the same time, the African American employees who range from longtime workers nearing retirement to millennials feel pressure to work harder to prove themselves, but have "barriers to advancement that are largely invisible to white professionals," the study found.

For more information: <u>https://www.nbcnews.com/news/nbcblk/blacks-corporate-america-still-largely-invisible-study-finds-n1098981</u>

COVID-19 - Racial Equity & Social Justice Resources

COVID-19 Racial Equity & Social Justice list <u>https://www.racialequitytools.org/fundamentals/resource-lists/resources-addressing-covid-19-with-racial-equity-lens</u>



Gívíng

The Louis A. Berry Institute for Civil Rights and Justice seeks monetary donations to support the continuation of its work. If you wish to contribute, use this link and select the Louis A. Berry Institute from the list of options: <u>https://secure.acceptiva.com/?cst=416825</u>

Payments can also be mailed to:

Office of Development PO Box 9294 Baton Rouge, LA 70813

We are also soliciting donations of civil rights era documents, memorabilia and/or artifacts. If you wish to donate, please email our director at: ABell@sulc.edu.

Announcements

September 2020

Movin' on Up: The American Dream Bought by the Black Dollar

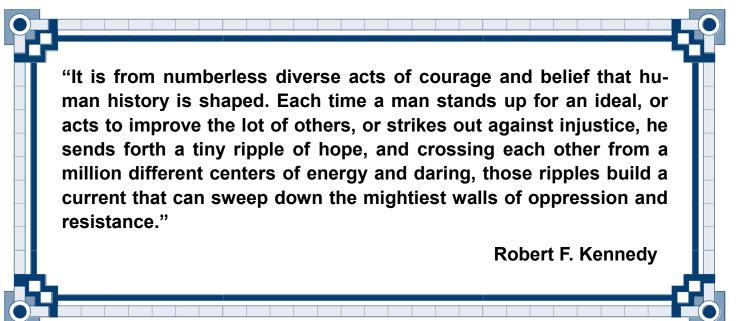
The SULC Journal of Race, Gender, & Poverty presents its annual symposium, discussing how black entrepreneurship is bridging the wealth gap in America and creating legacy wealth.

Southern University Law Center Room 129/130 2 Roosevelt Steptoe Drive Baton Rouge, LA 70813 Contact: Jonathon_White@sulc.edu





Food for Thought



Subscriptions

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http://www.sulc.edu/form/subscribe-to-the-louis-a-berry-civil-rights-and-justiceinstitute-enewsletter





Contact Us



Angela A. Allen-Bell Associate Professor Director of Louis A. Berry Institute for Civil Rights and Justice B.K. Agnihotri Endowed Professor Southern University Law Center Post Office Box 9294 Baton Rouge, LA 70813-9294 Phone: 225-771-4900 Fax: 225-771-5913 Email: Abell@sulc.edu Twitter: @AngelaAllenBell



Justin Bullard,3L Research Assistant



Tiffany Rainey Institute Facilitator Trainey@sulc.edu



Chelsea Hale, 3L Research Assistant



LaCrisha McAllister, 2L Research Assistant



Derrick West, 2L Research Assistant



John K. Pierre is the Chancellor of SULC. Phone: 225-771-2552 Email: Jpierre@sulc.edu