



February 23, 2022

Barbara J. Howard, Chair, House of Delegates  
The American Bar Association  
1050 Connecticut Ave. N.W., Suite 400  
Washington, D.C. 20036

**Re: Revised Section 303 Standards**

Dear Ms. Howard,

The Foundation Against Intolerance & Racism is a nonpartisan organization dedicated to advancing civil rights and liberties rooted in our common humanity. We have tens of thousands of members and more than 115 chapters nationwide. Our website, [fairforall.org](http://fairforall.org), can give you a fuller sense of our identity and activities.

We write to request to collaborate with the ABA regarding Section 303 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. As you know, the recently-adopted Section 303(c) requires law schools to “provide education to law students on bias, cross-cultural competency, and racism.” This education can be achieved by “guest lectures by experts in the areas of bias, cross-cultural competency, and racism” and “other educational experiences that educate students in cross-cultural competency.”

We recognize the ABA’s indispensable role in shaping legal education and preparing students for productive legal careers in service of American society. Indeed, “[t]he Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues, [rather] than through any kind of authoritative selection.’” *Keyishian v. Board of Regents*, 385 U.S. 589 (1967). Appreciating cultural diversity, identifying bias, and eliminating racism are values that facilitate the civil exchange of ideas in the pursuit of truth for the benefit of all Americans. *Shaw v. Reno*, 509 U.S. 630, 643 (1993).

Institutions of higher education and law schools were created, in part, to inculcate necessary virtues and train students to become contributing members of society. Institutions undergirded by a commitment to merit, free speech, freedom of expression, and equality under the law have generated an environment wherein students receive a rich and engaging education. This liberal ethos must be safeguarded to ensure the continued development of future generations of students. We cannot overstate the importance of the ABA’s continuation of this foundational aspect of the American legal education system in the implementation of the revised Section 303 Standards.

FAIR promotes a unifying and prohuman approach to teaching objectives, such as those contemplated by Section 303. Since our inception in March 2021, we have fielded several complaints about the materials and methods being used to teach students, many of which have proven to be legally actionable. We write today in the spirit of collaboration and to offer the resources of FAIR as the ABA moves forward in implementing Section 303. As

part of our non-profit efforts, FAIR continuously works with a wide array of thought leaders, including higher education faculty members affiliated with the international Race and the American Story Project, whose partnered courses are currently being taught in many universities both in the U.S. and Europe. Central to FAIR's mission is our work to empower students to confront racism and bigotry, both of which depend on a dehumanizing emphasis on racial and other perceived differences. In contrast to views that see America through either a triumphal or cynical lens, at FAIR we believe in providing an honest and accurate account of the past and present, encouraging students to think for themselves by engaging deeply with original sources, multiple perspectives, and opposing viewpoints on important controversies. We would be honored to have the opportunity to share our resources with the ABA as you look toward implementing Section 303 with a focus on fairness, equity, and confronting cognitive bias.

We look forward to the opportunity to speak with you further about FAIR and the FAIRstory Curriculum.

Sincerely,

Letitia Kim, Esq.



Managing Director, Legal Network

Adam Seagrave, PhD



Senior Fellow for Education