

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 98266-0
Respondent,)	
)	STATEMENT OF
vs.)	ADDITIONAL AUTHORITY
)	
AARON JUSTIN CALLOWAY,)	
Petitioner.)	
_____)	

Pursuant to RAP 10.8, petitioner cites the following additional authority in support of his argument that the decisions State v. Glover, 116 Wn.2d 509, 806 P.2d 760 (1991) (plurality op.), and State v. Little, 116 Wn.2d 488, 806 P.2d 749 (1991) (plurality op.), merit reexamination because they are constitutionally infirm and reflect and uphold racist super predator era policies that have led to the criminalization and mass incarceration of an entire generation of men of color, see Petition for Review at 13-17:

The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.

As judges, we must recognize the role we have played in devaluing black lives. This very court once held that a cemetery could lawfully deny grieving black parents the right to bury their infant. We cannot under this wrong—but we can recognize our ability to do better in the future. We can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole.

As lawyers and members of the bar, we must recognize the harms that are caused when meritorious claims go unaddressed due to systemic inequities or the lack of financial, personal, or systemic support. And we must also recognize that this is not how a *justice* system must operate. Too often in the legal profession, we feel bound by tradition and the way things have “always” been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful. The systemic oppression of black Americans is not merely incorrect and harmful; it is shameful and deadly.

Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

Open Letter from the Justices of the Washington Supreme Court to Members of the Judiciary and the Legal Community at 1-2 (Jun. 4, 2020).

DATED this 5th day of June, 2020.

Respectfully submitted,

NIELSEN KOCH, PLLC

A handwritten signature in black ink, appearing to read 'Kevin A. March', written over a horizontal line.

KEVIN A. MARCH

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NIELSEN KOCH P.L.L.C.

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Transmittal Information

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