

LETTER TO THE EDITOR

## Column Distorted Facts About Bias Seminar

To The Editor,

Author Wayne Dyer once said, "The highest form of ignorance is when you reject something you don't know anything about." As a prime example of the veracity of his observation, I would offer the column in the June 21, 2010, *Connecticut Law Tribune* by Attorney Karen Lee Torre, entitled "Race Theory Rubbish."

I cringed when I read this column. It represented Attorney Torre's sweeping condemnation of a symposium on implicit bias in the criminal justice system. I, as the chairman of the Commission on Racial and Ethnic Disparity in the Criminal Justice System, along with others, worked hard to make this symposium a reality. It has been hailed by many as a positive experience, one that united in dialogue different groups within our criminal justice system in an effort to improve the system.

Following such a civil and productive event, I cannot leave unaddressed the misrepresentations that appeared in Attorney Torre's column. Although she is entitled to her opinion, she is not entitled to distort the facts.

Despite the fact that she did not attend the symposium, Attorney Torre goes to great lengths to politicize the atmosphere and the topics addressed at the event. In fact, she characterizes the symposium as an exercise in "left wing propaganda and indoctrination." She could not be more wrong.

It is curious that Attorney Torre does not present any meaningful challenge, based upon research or scientific data, to the merits of the issues addressed at the symposium. Her critique plainly is built upon vitriol against the symposium's key speaker, UCLA Law Professor Jerry Kang. She disparages his credentials and describes him as a representative of "liberal activist academics."

It is clear that Attorney Torre did not try to learn more about the program, but engaged in personal attacks, taking aim not only at Kang, but State's Attorney Gail Hardy and myself. Had Attorney Torre attended the symposium, she would have heard Professor Kang's scientific and objective analysis of the many empirical studies that have been conducted on implicit bias. She would also have learned that, contrary to her beliefs, Kang did not draw any simplistic conclusions regarding race.

In a nutshell, the symposium was not all about race. It was about pre-conceived notions we *all* have, regardless of our background or skin color. As Professor Kang notes in *Implicit Bias: A Primer for Courts*, which he wrote for the National Center for State Courts, "We naturally assign people into various social categories divided by salient and chronically accessible traits such as age, gender, race and role ... [this comes] from our experiences with other people, some of them direct (i.e., real-world encounters) but most of them are vicarious (i.e., relayed to us through stories, books, movies, media and culture)."

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Professor Kang's overarching message to the people attending the symposium – judges, prosecutors, public defenders, police chiefs and others – was that it is important for decision-makers to be aware that they have implicit biases. As he states in the primer, "Given the critical importance of exercising fairness and equality in the court system, lawyers, judges, jurors and staff should be particularly concerned about identifying such possibilities."

Attorney Torre's unbridled personal attacks, inflammatory rhetoric, and dismissive response to Professor Kang's scholarly presentation, which was supported by scientific research, does nothing to advance a thoughtful dialogue about such an important subject. In fact, her derisive remarks undermine the aims of the symposium for a more unbiased, fair and impartial criminal justice system. All of us, from judges to private citizens, have a common and vital interest in a system that is, and is viewed as, just. Certainly, one should expect that Torre, a member of the bar, would welcome, rather than recklessly disparage, efforts that foster this goal.

**The Honorable Lubbie Harper**

Chair, Commission on Racial and Ethnic Disparity  
in the Criminal Justice System