



**Transcript of Lewis and Clark Law School
Martin Luther King Jr. Endowed Lecture
with Ben Crump**

February 20, 2024

J.Johnson: Welcome everyone to our annual Martin Luther King, Jr. Endowed Lecture. I'm Jennifer Johnson. I am dean of our law school and a very special welcome to our guest, renowned civil rights attorney, Ben Crump. Ben will be joined in a moment by our own professor Robert Klonoff, and I'll introduce them both shortly. A hearty thank you to our generous law school alums who've endowed this MLK Junior Lecture, Jacqueline Alexander from the class of 2007 and Lee Matthews, who's a double Lewis and Clark alum. He received his bachelor's in 1971 from the college and his law degree in 1973. Jackie and Lee, would you please stand? And now it is my great pleasure to introduce our Lewis and Clark College President, Dr. Robin Holmes Sullivan. This is the second year that Robin has served as our president and we are delighted that she could join us tonight. Robin.

President Robin Holmes-Sullivan: Thank you, Jennifer. I'm just thrilled to be able to welcome all of you to our beautiful campus, and I'm very much looking forward to hearing from Mr. Crump about his many accomplishments in the struggle for justice. One of my favorite quotes from Dr. Martin Luther King was from his letter while sitting in the Birmingham Jail, and he said, "injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny, whatever affects one directly affects all indirectly." That undeniable truth of mutuality underpins everything that we do here at Lewis and Clark and in higher education in our drive to learn, we also seek to understand the impacts of policies and laws and how they affect all of us. So thank you to Jacqueline and to Lee for your continued leadership and your vision in establishing this important event. We couldn't thank you enough. And thank you to Professor Klonoff and Dean Johnson for inviting Mr. Crump tonight. I know that we're all in for a treat. Thank you for being here.

J.Johnson: Thank you, Robin. And, and now it is my pleasure to introduce Professor Robert Klonoff and his colleague Ben Crump. Professor Klonoff served as co-counsel, with Ben representing the Henrietta Lacks family. And I'm sure we'll hear more about that tonight. And Ben Crump is such a well-known figure in civil rights that I hardly need to introduce him. So just a few words. He has represented families in several high-profile civil rights cases and helped reach historic settlements and verdicts for those families. His tireless advocacy has led to legislation designed to prevent

excessive police force and developing implicit bias training and implicit bias policies. Ben has been called Black America's Attorney General. Ben once said, and I'm quoting, "I woke up every morning knowing my mission in life is to be an unapologetic defender of black life, black liberty and black humanity."

Among dozens of accomplishments, Ben has been recognized with the NAACP Thurgood Marshall Award, the SCLC Martin Luther King Servant Leader Award, the American Association for Justice, Donna Johnny Cochran Award, and the Alpha Kappa Alpha Eleanor Roosevelt Medallion for service. I know that Ben and Bob Klonoff are going to tell us more details of Ben's fabulous career in a question and answer session. So without further ado, please join me in welcoming Professor Bob Klonoff and attorney Ben Crump.

Bob Klonoff: It is such an honor to have you here. I just can't tell you. This is really inspiring.

Ben Crump: The honor is mine. Bob, thank you for having me, brother.

Bob Klonoff: We're going to walk through an incredible career, but we're going to fast forward to the Henrietta Lacks case, which is where I first met Ben. It's an extraordinary case, and I'm going to give you a chance to talk about it, but we're going to go to the video briefly.

Ben Crump: Okay.

Bob Klonoff: Could you just explain what we're going to see?

Ben Crump: Certainly. Netflix did a documentary in 2022 where they have followed me during 2020 where we worked on the important civil rights cases involving the tragic killing of George Floyd, Breonna Taylor, and Ahmaud Arbery. And that documentary was entitled Civil. President Sullivan, Dean Johnson, Now more than ever in America, we need to be civil. And so that documentary was very successful. 20 million people across the world watched the documentary. And so then Bob, Netflix said, Hey, attorney Crump, what else you working on? And so I told them about this very important case, just as important as George Floyd's case, just as important as Tyre Nichols' case, just as important as all the cases that we know about me working on in the media about Henrietta Lacks this black woman who in 1951 in Baltimore, Maryland, she was a victim of medical racism. And medical racism was nothing new during that era. In 1950s, Justice Nelson, you had the Tuskegee Syphilis Experiment going on in Tuskegee, Alabama, where the United States Health Department injected black men with syphilis

and did not treat them because they wanted to study the effects of syphilis untreated in the human body.

Ben Crump: You're talking about evil. They then transferred it to their, spouses and women that they had relations with. And it then was born into the children who they conceived. And for over three decades, they watched the community In Tuskegee, Alabama, the black community suffer with a completely curable disease. There were other instances of medical racism going on. You had the Mississippi appendectomy where black women would go to the hospital for routine checkups or medical procedures, and they would sterilize them. Unbeknownst to them, the most famous being, the civil rights icon, Fannie Lou Hamer, who said, "I'm sick and tired of being sick and tired." Well, Fannie Lou Hamer had received the college education. She was only 23 years old when this happened. She was never able to have children. But she, because she was educated, started to research what happened to her. And she discovered that it was happening not only all across Mississippi, but also in North Carolina and Georgia and Tennessee. They were sterilizing black women. And then in Baltimore, Maryland, in Johns Hopkins Hospital, one of the leading medical centers in not just the United States, but in the world, they were experimenting with black people as guinea pigs, as lab rats. They were experimenting to see if the, a human cell could survive outside of the human body. And to be honest, president Sullivan, we don't know how many black people they butchered and killed before Henrietta Lacks. In fact, when Professor Klonoff and I and our legal team were doing research for bringing the case, older black people told us when they were little children, they were warned by the adults that you don't get caught outside of Johns Hopkins University Hospital at night because they will snatch you up. They were the original body snatchers, and they were experimenting and butchering black people. Henrietta Lacks this 31-year-old, intelligent, beautiful black woman. They tried to tell us that she was not intelligent because Justice Nelson, they want to try to make us seem that we are inferior, so people won't have reconsideration or off of humanity. So they try to say, Henrietta Lacks was just some uneducated black woman. No, she wasn't. She was a beautiful, intelligent black woman. She was a wife, and she was a mother of five children. And she went in at the early stages for what was treatable cancer. And Johns Hopkins never attempted to treat her cancer. What they did is they experimented with her by inserting two radiation rods into her female genitalia. And then they went and cut out part of her tissue from the cancer as well as the healthy tissue.

Ben Crump: And then they sent her home, never tried to help her. And I am coming to learn a little more about radiation and how potentially harmful and fatal it is to the human body, because I have a, a little brother who is battling lung cancer. And so he continues to go through bouts and bouts and bouts of chemotherapy because as the

doctor has explained to me and my family, because of the harm radiation causes, you want the cancer or the tumors to be reduced to the smallest size they can be. So you can use the least amount of radiation because it's so potentially harmful and fatal. But they didn't care about black people and the medical community at that point. And so they sent Henrietta Lacks home, and she died a horrible death. She lived for eight months, and her family reports that they would often hear her screaming out in pain in the middle of the night from the effects of the radiation. And it is somewhat biblical.

Ben Crump: I mean, such a great sacrifice she made even given her life. Yet, she gave the world such a tremendous contribution to better the entire world. Henrietta Lacks and Oprah Winfrey made a movie about 12 years ago called *The Immortal Life of Henrietta Lacks*, because Henrietta Lacks, and I'm not surprised it was a black woman who was strong enough. Well, for the first time in the course of human history, her cells were able to survive outside the human body. And not only did they survive outside the human body, they regenerated every 24 hours. I mean, the scientists and the doctors were spellbound. They couldn't believe it. They had never seen anything like this. And every 24 hours, her cells would regenerate. I mean, she is the mother of modern medicine. Pharmaceutical companies have made billions upon billions upon billions of dollars from her HeLa cells that regenerate every 24 hours.

Ben Crump: In fact, every medicine, every vaccine, every advancement in medical research in the last 60 years have been as a result of Henrietta Lacks' immortal cells, because now scientists and doctors can experiment with human cells under a microscope outside the human body. And what happened was her family, and nobody in that community was told, in fact, they tried to say she was a white woman, Helen Lane, as our research would show, because America has such issues with race, that they thought of, people knew that it was the cells of a black woman, that they would reject the research and the advancements. But finally in the seventies, it came out in scientific journals from Europe. They were like, well, who is this? These HeLa cells. What are they? Where are they coming from? And so the Baltimore Johns Hopkins medical community finally had to say, "Well, they came from, you know, this black woman named Henrietta Lacks.

Ben Crump: Because they wanted to know, how can we find more information about this person who gave us this incredible gift to the world to improve the quality of everybody's healthcare? And so they finally told her family and the black community who, you know, Lee and Ms. Matthews, they still didn't really believe it until they published it in *Jet Magazine*, because in the black community, once it was in *Jet Magazine*, then you would believe it. And so that's when it came out. And her family saw what their mother did, and then they started to ask questions, and they tried to get some

measure of justice, but they kept being denied getting kicked outta court. And, in around Juneteenth of 2021, Mr. Lawrence Lacks, her only living child, and his son reached out to me and they asked if I knew, know who Henrietta Lacks was. And I said, "Of course, I know, I watched the Oprah Winfrey movie". and he said, "Attorney Crump, we've been searching for a lawyer who could help us get justice for all my life." And we want to know, "Can you help us get justice? And I didn't really believe we could do it, but I knew if we didn't try, what reason could we acknowledge God's blessings and him giving us this legal education unless we tried to fight against injustice?"

And nobody can say what happened to Henrietta Lacks wasn't an injustice. She never gave her consent to be treated like a lab rat. Her family never knew anything about this. So we end up filing a lawsuit on their behalf under the theory of unjust enrichment, this theory that Professor Klonoff and people far smarter than I understand, on a higher level. But it is a well-established legal principle that seems to apply to everybody else except black people in America. This principle that people who commit wrongdoings can't continue to benefit from the wrongdoing.

Ben Crump: And so that was our argument, and thanks to Professor Klonoff, and I'm sure the documentary going to get it right, us and our little legal team. And you gotta think we're suing all the pharmaceutical giants in the world. You're talking about David and Goliath. I don't know how far you want me to go before we show the video, and then you can ask me questions, but one of the funniest stories is we're in a hotel suite in Baltimore, Maryland because we filed a lawsuit in the Eastern District of Maryland. We stayed up half the night, literally, in the bedroom getting ready for arguments because we knew that this was going to be important. And so I want y'all to know, Professor Klonoff is not just a professor who understands theory, but he's the real deal in real life. I want to say thank you publicly, as I have done many times privately, for us being able to achieve a historic legal milestone. Couldn't have done it without you, brother. It's been such an honor.

Bob Klonoff: Thank you. And I want to just mention the extraordinary family and getting to know that family. Can you just speak to it for a minute?. Wonderful family.

Ben Crump: Incredible family. The grandchildren are driving the engine because unfortunately, all her children had died except Mr. Lacks , whose health was deteriorating. And it's so tragic, man. You think about Henrieta Lacks cells, being able to help everybody else, families all around the world, but yet her son couldn't even afford quality healthcare. He would've thought that Johns Hopkins Hospital would've given them lifetime medical care, especially for what her cells did to help give them academic prominence. I mean, they got all kind of grants and everything. And even though they

continued to say, “Oh, we didn't make any money off the cells, we gave them away for free”. Well, you did get some measure of value for butchering Henrietta Lacks. But in talking about the family, Bob I'll tell a little bit about the hearing that really is still something that, when you're making history, you often don't realize that you're so into the moment. Mr. Lawrence Lacks, who had problems walking, we wheeled them into the wheelchair with his son, his children, and his nieces and nephews.

Ben Crump: Mr. Lacks, he said, no matter what happens, we finally got in the courtroom. Because because he had been trying his whole life, he was 76 years old, his mother died when he was 14. And their whole life, they had been trying to get some justice for Henrietta Lacks . And so when we got in the argument, y'all, it's kind of funny because the opposing counsel and I have to set up the courtroom scene. So you had, he, Henrietta Lacks' children and, her son and her grandchildren and their family. So you had these, middle class common black people sitting on one side of the courtroom. Then on the other side of the courtroom, you had all these fancy lawyers and pharmaceutical executives sitting. And it was like a scene out of a John Grisham novel, really . Then, attorney Chris Seger, who's a great lawyer who Bob and I worked with, and Professor Deleso Alford, one of Bob's colleagues who was the black professor who said 10 years earlier, that Henry Lacks family should be able to bring, a claim for unjust enrichment against all these pharmaceutical companies who continue to benefit knowing about the crime, but not doing anything to try to give redress for the crime.

Ben Crump: The first thing our opposing counsel said was kinda like, this is crazy. How do you know they think they can even bring a 70-year-old lawsuit? And then I remember Chris, who was very polished and so forth, making a real good academic argument. And then they went back, and then the judge kind of looked at me and said, “do you have anything to add Attorney Crump?” And, you know, my grandmother taught me to speak truth to power. And, she said, “even if your knees are knocking baby, even if your palms are sweaty, even if your heart is racing, even if your voice is cracking, if you get a chance to speak truth to power,” she said, “you do it baby. You do it because too many people sacrifice too much for you to be blessed with this education and this platform.”

Ben Crump: And you get an opportunity to speak truth to power. And you don't do it because they say, oh, it's controversial, or they might call you a race bait or whatever. She said, “No, no, you get a chance to speak truth to power, you do it.” And so I said, “Your Honor...” Because the big issue was how do you get around the statute of limitations? Bob and us had stayed up all night working on that, and y'all really are blessed to have Bob Klonoff. He's one of the most brilliant, legal minds in the world. Bob and them had these great legal answers. I mean, these theories on unjust enrichment

and these treatises and so forth. Obviously, the judge wanted to hear from me. So I said, "Okay, judge, how do we survive the motion to dismiss based on statute of limitations?" Because in most states, everybody has a statute of limitation. Two years, mostly four years tops. You gotta bring it. If you don't bring it, then you're forever barred. The law is cold and technical. I apologize Justice Nelson.

Ben Crump: So obviously this happened in 1951. Their argument was, it's crazy that we're even here. So they said, "Do you have a response?" I said, "We do, your Honor. As we have articulated in this courtroom this morning, everything about Henrietta Lacks, it's unprecedented. I mean, there's never been a case like this because there's never been a person like Henrietta Lacks. I mean, her cells have been regenerating for 70 years. And that's what we've been articulating all day, your Honor. And as we said, her cells keep regenerating every 24 hours. So understand, your honor, the family of Henrietta Lacks isn't here making a claim against any of the medical procedures or medicines or vaccines that they have developed from 1951 to 2018. We understand that's outside the statute of limitations. But your Honor, as we have just articulated this very day, her cells regenerate every 24 hours. So those cells that generated yesterday, we expect a percentage of profit from all of those."

Ben Crump: Bob was there and the judge says "hm". You know, obviously, she understood the gravity of Bob and I, attorney Seger and Professor Deleso Alford, because, well, before I get to that, there was another thing that came up in the hearing that I think bears mentioning, because we're speaking truth to power, Bob and I. The young people are getting the Jay-Z did the rapper, Jay-Z at the Grammys. He got an award and he gave a real thought provoking statement about why Beyonce hadn't got an album of the Year award and so forth. And then afterwards, the reporters were asking him, said, Wow. You had a lot to say up there, Mr. Carter and everything. And they said, do you have any response to what made you say that? And he said, well, I was real nervous when I was up on the stage.

Ben Crump: When I get nervous, I tell the truth. So I'm going to tell one more truth, and then I'll let Bob move on. Bob, you remember the argument that then the pharmaceutical company said, and I was shocked that they had the audacity to make argument. They said, well, your Honor, what happens 50 years from now when Henrietta Lacks her children's grandchildren come back and sue us again and say, "We gotta give a percentage of the profits from, you know, using the HeLa cells. What stops them from doing this every 50 years or so? And so, the judge seemed like she was giving this some consideration, so she looked a little bit at our tape and said, "Do you all have a response? And Attorney Seger, who I know well, like Bob, we are all friends.

Ben Crump: He said, you know, Ben, I just think you should answer this question . And I said, alright, Chris, because it was a hearing that lasted like 3, 4 hours. We were there for a while. I remember saying, God, honest truth, I told the judge, I said, judge, my grandmother told me to speak truth to power. And so I'm going to answer that question speaking truth, because you are uniquely qualified more than anybody else to have the power to right this historic wrong. I just have to speak truth. And I said, your Honor, I understand what our learned opposing counsel is asking. The question is, what if in 1951, when the doctors from Johns Hopkins treated Henrietta Lacks with dignity? What if in 1951 they treated this black woman with respect?

Ben Crump: What if in 1951 they treated this black woman Henrietta Lacks like she was an American citizen and she had all the rights as an American citizen, that the Constitution affords a citizen I said, I guess in essence, your Honor, what opposing counsel is asking is what if in 1951, when they went to experiment on Henrietta Lacks , they would've treated her like a white woman, and they would have asked for her consent. They would've discussed it with her family, that they were going to experiment on her, and they were going to retrieve her tissue samples, her genetic makeup, and they're going to experiment with it. And then if they were to gain any benefit or value from experiment on her tissues, then they would have to go back to her family and get permission to use her genetic materials. I said, because had they did that, I don't think we would be here, your Honor, because this isn't the first time that people have had intellectual properties that they have given the world.

Ben Crump: I said, it would be just like you remember Bob, it would be like Henry Ford and the reason why his children and his grandchildren and their children and their grandchildren will continue to benefit from the intellectual properties that Henry Ford gave the world. And it would be like MaryKay Ash, the cosmetic giant. It's the reason why her children and their children and their grandchildren and their grandchildren from here to infinity forever would be able to receive compensation and profits from their intellectual property. And so with Henrietta Lacks, I mean, we're not just talking about intellectual properties that she gave the world she actually gave of herself. This is her genetic material. So why is it when it's a black family coming in this courtroom; Why is it an issue whether they will get to receive compensation in perpetuity for the contributions of their mother or father? And it was so quiet in the courtroom.

Bob Klonoff: It was a showstopper. It was an absolutely unbelievable moment. And I was thinking to myself, I would not want to be the lawyer for Thermo Fisher Scientific standing there when you claim the moral high ground. It was just spectacular. Let's go to the documentary.

DOCUMENTARY

I'm here with Mr. Lawrence Lacks, the only living child of Henrietta Lacks . He's 88 years old. And when you think about how his mother was butchered, as was the case in the 1950s with medical racism using black people as guinea pigs, and the fact that everybody seems to have benefited from her immortal cells except her family, just think of the irony that her cells have been used to provide quality healthcare for people all around the world. And here we sit that her son Lawrence Lacks, is in need of quality healthcare that hasn't been afforded to have. And so that's why we're very proud that the congressional caucus here is putting forth her to finally get recognition with the congressional gold medal. And we're in litigation and we're fighting for her family to finally receive some compensation for her immortal cells that have given so much she gave her life. her contributions are numerous, but yet they have got nothing. And so under the theory of unjust enrichment, the fact that a crime was committed against her and people should not be able to benefit from the wrongdoing from the crime. And so thus far, we're in federal court in Baltimore, Maryland, and we believe it's going to be a landmark precedent set by Harriet Lacks in the field of law, just like she set precedent in the field of medicine.

Speaker 7: This is the hottest topic of our time.

Speaker 8: They need to think about what is right and what is proper. And we're going to show the judge how to get them thinking about it

Bob Klonoff: A case like this will educate the country on the injustices against African Americans by the medical community.

Speaker 6: They told black people don't walk near Johns Hopkins at night because they were the original body snatchers.

Speaker 10: People in Roanoke are working to remember a local native Henrietta Lacks.

Speaker 5: At the groundbreaking medical discovery.

Speaker 6: It is going to be unprecedented.

Speaker 11: The individuals that did the original research came back and started trying to test the siblings and the Grandkids.

Speaker 12: They were using her as a Guinea pig.

Speaker 13: So you would hear these stories and you would just wondering,

Speaker 14: They didn't know HeLa for the cell line was Henrietta Lacks .

Speaker 6: They said they made \$35 billion from HeLa cells.

Speaker 12: Today on her 103rd birthday. We got Justice.

Speaker 15: Henrietta Lives. Henrietta Lives. Henrietta Lives.

Bob Klonoff: So let's go back [to your childhood]. You were a young boy. What inspired you way back then that you wanted to be a civil rights lawyer let's talk about that.

Ben Crump: Yeah, it is real simple. As we talked about in your class earlier. I grew up in rural North Carolina, small town called Lumberton, North Carolina. And I remember it like it was yesterday. Yesterday, when I got to the fourth grade, they finally, you know, brown versus Board of Education was decided in 1954. But the Supreme Court said it is to be, you know, interacted with all deliberate speed that try to give consideration to some of the more conservative southern states like my home state of North Carolina, which from all deliberate speed took from 1954 to 1979 when they finally got around to doing integration. And so they took us little black children, from South Lumberton, put us on the school bus and literally took us across the tracks to North Lumberton, which was the predominantly white university.

Ben Crump: And, you know, they had everything. They had new books, new buildings, new facilities, everything was much newer than we had on the south side of town. And, I remember, and I, I said this earlier, Bob, it was there that I learned that racism is not a organic dynamic. It is a learned experience because when us little black boys and girls got there to Carroll Middle School, and we interacted with the little white boys and girls, we did what children do, we started to play together and became good friends. And I have friends there for life who I met when I was nine years old in the fourth grade. And it was kind of deep. I, I think eight years old. And it was kind of deep when I think about it because I remember being happy to be at the school because there was so many things that was helping our education to advance with just technology.

Ben Crump: And I remember one day on the school bus coming back home from the school riding through the white community, and I observed just how well maintained the streets were, how all of the trees and everything was well manicured. And I remember seeing all the nice buildings with the nice awnings on them and so forth. And then I remember Bob, we, we came across the tracks and then when we came across the tracks, you saw all of the dilapidated buildings. You know, you had the potholes in the road, you had all the cars broke down, sitting on bricks and everything. We passed my old elementary school and you saw it crumbling down, probably filled with lead paint and everything. And I just remember as a, a little kid thinking to myself, I wonder why on one side of town they seemed to have it so good.

Ben Crump: And then on another side of town, they seem to have it so hard, so challenging. And when I talked to my mother about that, she told me, she said, well, baby, the reason you get to go to the newer school with the newer books and the newer technology is because of the NAACP case of Brown versus the Board of Education and a lawyer named Thurgood Marshall. And I decided right then that when I grow up, I'm going to become an attorney like Thurgood Marshall and I'm going to fight to make it where people from my community and people who look like me will have a better chance at achieving their American dream. And from that day to this one, I wake up with the same objective since that little boy.

Bob Klonoff: And, and I have to say, we were at a conference together at Southern University in Baton Rouge, and he was introduced as today's Thurgood Marshall. So your, your dreams as a young boy came true. You've written an extraordinary book called Open Season and you used the phrase "legalized genocide of colored people." And I wanna walk through some of the examples, and you've been involved in so many of these.

Ben Crump: Yes, sir.

Bob Klonoff: And let's start with something I know people want to hear about, and that is murders committed by police officers, George Floyd and others. Can you talk about those experiences?

Ben Crump: Yeah, they, they all are heartbreaking. I mean, I think about the latest case where we're fighting for justice for Tyree Nichols, who was savagely beaten to death within 200 yards from his house. or I think about Breonna Taylor, you know, being her body, being mutilated with eight bullet holes while in the sanctity of her own apartment because they were executing an unnecessary, unjustifiable, unconstitutional, and I

might add an illegal no-knock warrant because they lied on the probable cause affidavit in the first place to entice the judge to sign the probable cause affidavit, where they can kick in her front door at one o'clock in the morning talking about she received, had been receiving suspicious packages.

Ben Crump: And when we started doing our research, attorney Matthews, it was revealed to us by the Postmates themselves that we never told the police that she would get suspicious packages delivered to her house. They said she had only gotten two packages delivered because, you know, deliveries to your house is an important thing. People keep track of those things. And they found that Breonna had only gotten two packages delivered. One she had delivered by UPS in January, and the second, because she was killed in March 15th, 2020. The second package was delivered in February. And this, a phenomenon that I'm way familiar with, because I get their packages every day at my house. It was an Amazon package that had been delivered to her house. And those are the only two packages. There was nothing suspicious about this innocent black woman other than nefarious actions by the police.

Ben Crump: And, you know, you have to fight so hard to deal with those cases because then George Floyd literally tortured to death, literally tortured to death by the very people who was supposed to protect and serve him. And please understand, Judy, I, it was, it's kind of deep because it was Darnella Frazier. I know we have some high school students here, a courageous 17-year-old little girl who kept filming, kept filming the whole time. And without that video, you know, you all understand that they had already written the police report in the first medical report saying that George Floyd died from unknown medical, undiagnosed medical condition, and that that was going to be the story. And they said he died from a undiagnosed medical condition while resisting arrest. There could have been nothing farther from the truth when we all watched that video and during a pandemic where everything seemed to have been shut down in America except racism, discrimination, and police brutality against black people.

Ben Crump: And it was in that historic case because, you know, we had lived through Trayvon where, you know, a 17-year-old kid was walking home. And I know Ms. Matthews, you, you, we have teenagers in our prayer every day, is that our children would just get home to us. And some of our white brothers and sisters can't understand the anxiety that goes with black parents and brown parents just saying, we pray our children come home and not killed by the very people who supposed to protect them, Bob, that they won't be the next hashtag. I mean, we pray every day, and we live through Trayvon. I mean, minding his own business with coming from the 7/11 for a bag of Skittles and a can of ice tea being profiled, pursued and shot in the heart by the

neighborhood watch volunteer with a nine millimeter gun. And that nobody was held accountable for that, that child being taken from this earth far too soon.

Ben Crump: And so we know that we have to fight in the court of public opinion and the court of law when you're fighting for marginalized members of the BIPOC community, because oftentimes based on history, there's no justice, no semblance of justice. And so that's what we talk about in the book, how, you know, legalized genocide when we come up with technical justifications to justify injustices. You know, I, I get in trouble sometimes, but I keep saying that I don't care what the dynamic is. I don't care what the situation is. Poor people of color always seem to get the most of injustice and the least of justice. And that's just how it goes. And we have to speak truth to power because if we don't, who will try to hold a mirror to America's face and say, you at least got to acknowledge the hypocrisy. And, and, and I, I have to say this, Bob, because, you know, and President Sullivan quoted a little bit about the letter from the Birmingham Jail.

Ben Crump: And oftentimes when I give speeches across America, I remind people that we can win this war against the enemies of equality if we just follow Martin Luther King's legal advice. And people say, well, what is that legal advice? And I tell 'em, it's right there in the letter from the Birmingham Jail, which I think is one of the greatest essays ever written in the course of human history. And, you know, most people remember the part about, "injustice anywhere as a threat to justice everywhere." But what I think is just as profound is the part of the letter when Martin Luther King says that "we as moral people have a moral obligation to oppose injustice when we see it." He said that "if we're going to call ourselves good people, we can't see evil and look the other way." He said, no, no, no. We have an obligation if we going to say we are moral to do something to oppose injustice when we see it.

Ben Crump: And he went on in that letter, Bob Klonoff, to say, just because they tell us it's legal that don't make it right. He said, we must remember that everything that Hitler did to the Jews in Germany, they said it was legal. But Dr. King said that didn't make it right. He said, we must remember that they said slavery was legal, but that didn't make it right. He said, we must remember that they said segregation was legal, but that didn't make it right. And he said, we must remember that what they did to that little boy in Money, Mississippi named Emmett Till, they said was legal, but that didn't make it right. So I say to you all assembled here at this great Northwest Lewis and Clark University, when they tell us what they did to Breonna Taylor was legal. We must all in unison say, but that don't make it right.

Bob Klonoff: I, I can't imagine the conversations that you've had with the families in these horrible cases, but can you at least tell us if you think there's any cause for

optimism that the exposure of cases like George Floyd could lead to something positive?

Ben Crump: No, absolutely. that's a compound question. . no, I, I I think I will take, well, when I speak to the families, always tell them that we're going to help get you to the truth of what happened. I never tell them that we're going to get to justice because justice is elusive, especially for members of the BIPOC community. It's very elusive. And so I say, but we're going to get to the truth of what happened to your loved one and always, George Floyd. I, I think there's so much reasons for us to have hope. I think about here in Portland, when you had all the protests and the rallies, you had as many young white, people as there were young black people saying, until we get justice for George Floyd, none of us can breathe.

Ben Crump: And that is a, a great reason for optimism. And it was like that all across the globe. Across the globe. I mean, people in Paris, people in, Brazil, people in, Japan all marching saying, we can't breathe until we get justice. So that's the reason for optimism. And even though we have, you know, a political tug of war going on in Washington where it seems we can't get anything accomplished when we couldn't get the George Floyd, police, justice bill passed, because, you know, it is just politics at its worst. But we were able to get over nine states and over 150 cities across America to enact legislation in George Floyd names preventing, and banning the choke hold, requiring an intervention of police officers to intervene when they see other officers, violating citizens' constitutional rights. So we make progress and we have to always see the glass as half full.

Ben Crump: We can never get discouraged. And the reason we can't get discouraged, Bob and I think about what we learned the first year of law school when they teach us about precedent. And, you know, they try to indoctrinate it into our minds about precedent, attorney Matthew. They say everything must be based on precedents. We must have to have past cases set the precedent and present cases. We must always try to learn from the precedent and then future cases so we can have consistency on it. And every now and then there may be changes, Justice Nelson, but we want you all to understand as first year law students, the most important thing is precedence. Now, Dean Johnson, I must tell you, I didn't really accept that completely because I was a very conscious young person. I knew that slavery was the precedent in America, and if everything was based on precedent, then a lot of us would still be slaves.

Ben Crump: So I, I rejected it, but I understood, I understood what they were trying to teach us, that precedent is a likely indicator for what is to happen in the future. And so when I think about the precedent of what black people have overcome in America,

overcoming being defined three fifths of a human being at the founding of this nation, we overcame that. And then I think about how black people overcame one of the most genocidal dynamics ever known in the history called the Middle passage. I mean, three fourths of the black people died in the slave caves waiting for the ships to come. And then when they loaded us on the ships, half of us died even on the voyage over. And so, I mean, you, can you imagine that we were able to overcome that . And then you think about the Dred Scott decision that the United States Supreme Court said there were no rights that a black person had, that a white person were ever bound to respect.

Ben Crump: Well, black people overcame that. We overcame after the Civil War reconstruction, Bob, when they talked about 40 acres in a mule for fighting, so gallantly for the union, and then they said psych, and they took it back. And, you know, they then hit us with all these, Jim Crow laws, grandfather clauses. You can't really vote the convict leasing program. Yeah, we free you, you with the slaves were free. But then if you broke the most minuscule law, they defined it like bankruptcy. The sheriff could see you walking down the street and say, Hey, what are you doing? What are you working? If you can't give them a place of employment. They said you were a vagrant. And they then locked you up and put you back on the same plantation that you allegedly was just freed from. We overcame that. We overcame, you know, the, the lynchings at the turn of the century.

Ben Crump: You know, we overcame Plessy v. Ferguson, separate but equal, where there was nothing equal about it. We overcame Jim Crow and all the poll taxes and all those measures of denying us our constitutional rights. And then during Thurgood Marshall Day, we had to overcome Jim Crow junior PhD, Esquire. I mean, and we overcame that. So what that tells me is there is nothing that enemies of equality can throw at us today that we all, whether we black, brown, red, or white, there is nothing that can keep us down based on the precedent of what black people have been able to overcome. And so it's like Kendrick Lamar say, "we gon be all right."

Ben Crump: So that gives me hope that the enemies of equality will not win this war. The enemies of equality will not win y'all especially, and if you remember nothing else I say this evening, please remember this, the enemies of equality will not win this war for equality and justice for all as long as we make sure that our children are more intelligent than those who will seek to oppress them.

Bob Klonoff: As you know, we have the premier law school and environmental law, and I'd like you to talk about another injustice, and that's environmental racism.

Ben Crump: Yeah. Now it is, it is more devastating than any high profile police case there is because, you know, when you think about Flint, Michigan, and how the children were exposed to the high concentrations of lead. Yeah, I do know there's a flint in every state in America. And, you know, you, you think about, I'm just thinking about the Gopher case we have in Tampa, Florida where they built the battery smelting plant intentionally in the black community. And, and I, I guess I, I have to answer it like this and, and that's what I often do when I get an environmental, racism question. Ben Franklin said that democracy is like two wolves and a lamb voting on what to have for lunch.

Ben Crump: You ain't gotta be as smart as Bob to know who going to win that vote, but Ben Franklin said Liberty, Liberty is making sure that that lamb is well on to protest that vote. And so what we must do is make sure that our young lambs who society will try to marginalize, is well armed to protest that vote that will have them in the crosshairs to be another statistic in the school to prison pipeline. that will have them become another statistic in the prison industrial complex. Do we have to make sure they're well armed to protest them being denied access to capital for banking while black banking while Brown. We have to make sure that they will be well armed to be able to protest denial of access to quality healthcare, and especially to make sure that they are well armed to protest environmental racism that would see little black and brown children living in south central Los Angeles have, but a third of the lung capacity as little white children living 20 miles down the road in Santa Monica, California because they have made it legal for toxic pollutant poisonous chemical plants to be built in our backyards where our children go to school and play and live every day.

Ben Crump: Because they just made a fundamental decision that no, we ain't letting you build that in our community, but it's okay if you go build it over in their community. And we have to make sure our young children are well armed to be able to get elected as to city councilmen and mayors and city planners to the point where they are ready to protest any intellectual justification of discrimination, which would say it's okay for you to build that chemical plant in my community, as opposed to saying hold on let it be built in your community. Why you just going to put it in my community? And we gotta make sure our children have the intellectual capacity to make those arguments as well as Bob Klonoff will make them when they come to try to have bigoted and biased treatment in our community. And that's why we need you young minds from this great Lewis and Clark Law School.

Ben Crump: We need you all to be able to have the intellectual capacity to be able to say, we stand for right, no matter who it's for. We stand for justice no matter who it uplifts. We stand for giving all of our children a better world, a better America. That's

what I'm counting on you great Lewis and Clark Law students to do. You all are the best and brightest we have to offer. I mean, y'all are the hope. And hopefully when you all get to the c-suite. So you are the city planner or you are the mayor or the governor. I want you to remember when you were in Bob Klonoff class at Lewis Clark and you remember that you were so idealistic that the law was always to be an instrument for good. It was never to be used as a weapon for evil and oppression. And you all will be in the room. You all will be at the table. And I want you to hear my grandmother's voice saying, you got a chance to speak truth to power. You got a chance to give a voice to all those people who will never have a voice. And so I just pray that with this great environmental justice department that you all have at Lewis and Clark, that y'all can make it better for little black and brown children to drink clean water too. That's all we're asking.

Bob Klonoff: So another injustice that you've written about so eloquently is our prison system. Can you talk about that?

Ben Crump: Yeah. And my heart gives heavy, and I think it bears repeating some of the stuff we talked with the young people about you all do understand in America right now, states like Florida and Texas and Tennessee and, Missouri, and I'm sure Oregon isn't much different. President Sullivan, one outta every five black men are labeled a convicted felon.

Ben Crump: I mean, when you get that labor and the information age, it's like a scarlet letter that you have to work forever. I mean, you can never get away from it. I mean, you punch your name in the computer applying for a job. First thing that flashes up is convicted felon. You type your name to get, an, apartment application. First thing that pops up is convicted felon. You type the name in to get, life insurance, automobile insurance. The first thing that pops up is convicted felon. I mean, it is like you are sentenced to a permanent status of a underclass citizen, and you can never escape it. I, I don't care how minute the situation was Justice Nelson. I I, I heard, man, there was, I was at a conference and just said something profound said, you know, for stealing a iPhone, we're convicting little minority children as a felony convict forever when they're ages 14 and 15 years old.

Ben Crump: How could that be fair? You know, a a a child making a mistake, its not right, but it's a mistake and you're going to sentence them for life with this label now that they can never escape. I I, and I told Bob this, oftentimes I go all across America and I, you know, I go in the back of courtrooms when I'm free and I sit back there and I just watch how justice is being administered. And you see young white people and young black people have very similar fact patterns, very similar fact patterns. And oftentimes you'll see the young white people get a slap on the wrist, and then they will walk outta

courtroom with their lawyers able to live out the fulfillment of their destiny that God has for them, unblemished. And then you see little black and brown children often taken to the corner of the courtroom, fingerprinted, handcuffed, and then taken to jail, convicted of a trumped up.

Ben Crump: And I do mean trumped up felony conviction. And now they are convicted felons. And for the rest of their life, everything they do, everything they do is affected. One out every five black men. And they say, if this trend continues in the next 25 years, one out of every three black men in America will be labeled a convicted felon. So I want you to, to do me a favor, if you would indulge me, I want you to imagine that you are a parent of a black male child. And I want you to imagine that you have a black male nephew. And I want you to imagine that you have a black male cousin. And I want you to imagine that they're all children around the ages of 6, 7, 8 years old. And I want you to imagine in your mind's eye that they're doing what children normally do and that they're just playing as children. And I want you to observe them in your mind's eye and, and watch those three little boys with your blood running through their veins and try to figure out in the next 10 to 20 years, which one of those three little boys that got your blood running through their veins will end up being labeled a convicted felon having to live a permanent life as an underclass citizen. I mean, it is, it's enough that to make you want to holler. When you think about it, you think about, if we talking about prisons and prison populations.

Ben Crump: Well, I give even one more because I'm on the Innocence Project board of directors, and in America we know at least a hundred thousand citizens are sitting in prison who are completely innocent, completely innocent, did nothing wrong. The only problem that they happen to be in the wrong place at the wrong time and have the wrong complexion because the majority of those wrongfully convicted people are black men. And we know at least a hundred thousand, the number of bears as high as 200 to 300,000 sitting in prison, didn't do anything at all wrong. And you think about death row in the population on death row, in almost every state in America, the population of death row is 50% black men, even though we only make up 7% of the US population. So I mean, how do you get that black men make up 7% of the population, but yet make up 50% of the population on death row. It's either one or two things, either black men or some terrible evil, criminal, nefarious, just God awful human beings. That's number one. Or number two, this is a racist criminal justice system that targets black people.

Ben Crump: It's, it is that simple. It is that simple. I, I choose to believe, like Dr. King said, there's some good and the worst of us and some bad and the best of us. We're all just people. And black men are no better or no worse than any other group of men. It's just that this system targets black men. And that's what I write about in the book. Bob,

Bob Klonoff: Thank you. My timekeeper tells me we're getting close to the end, but I want to ask you this, you've had such an extraordinary career. If you had to name one case that brought you the most personal satisfaction, what would it be? Or you could have two.

Ben Crump: Well, well, all of 'em, all of them are uniques and special. The easy one would be George Floyd, you know, since it was so historic.

Ben Crump: But I would, I would say Henrietta Lacks, I would say the case where we sued Harvard over the slave, photographs to the garo types that we went and argued before the Massachusetts Supreme Court and was able, you know, we, we, we chopped liver, Bob. Henrietta Lacks was only a 70-year-old case. The Harvard slave photograph case was a 150 year old case. And that, that probably is one of the most gratifying. But all of them are special, in every way because all of them hopefully chips away at this bias that exists in our society, that we sometimes try to act like don't exist. And as I write in the book, Bob, the greatest injustice of all is trying to act like racism doesn't exist.

Ben Crump: Yeah. And, and so, and so I would say in conclusion to that question, all of 'em are special and all of them, I, I truly endeavor with every case to make the constitution real for American citizens, no matter what the color to make a better world for our children, A better America, where they all, George Floyd get another opportunity to take another breath without a police officer having his knee on his neck for nine minutes and 29 seconds while he say, I can't breathe 28 times. Well, where Brianna get an opportunity to sleep in peace throughout the night without them kicking in the front door, mutilating her body with eight bullet holes while she's practically naked in her nightgown. And we had to fight so hard, Justice Nelson, to get them to say her name because there was no video. And I remember President Lanita Baker, the National bar calling me with her mother saying, you know, Ben, will you help us because they killed her. She, she did nothing wrong. I mean, she was like a lot of you all at Lewis and Clark. She was, two semesters away from getting her nursing degree. She was working two jobs during the pandemic. I mean, she had did everything right. You talk about being unfair. And her mom and attorney Baker was like, nobody seems to care about this black woman and will you help us? And, and Fernandez, as you know, is one of those things, God, we busy don't know what, but how can you not help because we, we have to fight to make the constitutional real and give a better world, a better America to all our children where, Ahmaud Arbery gets to run free in Brunswick, Georgia without being lynched, with jogging while black, not in 1940, not in 1950, but in our day, in 2020, we all saw the video.

Ben Crump: I mean, Ahmaud ran for over 10 minutes running for his life, trying to get away from white men in a Ford pickup truck with a Confederate flag on the front, and a person sitting in the bed with a shotgun. Can you imagine, Ahmaud went to his death thinking, why are these white men chasing me? What did I do wrong? And, you know, we can give our children a better America, a better world where Tyre Nichols gets to make it home without these police suppression units being able to just openly violate the constitutional rights of black and brown communities under some false pretense that we want to have safety as if justice and safety can exist in the same world. I mean, yeah, Lewis & Clark University students, you all are the hope. You all are the hope to help the Constitution be real for everybody in America. I, I say this in conclusion and then I'll rest my argument. I, I'll be saying, I want you all to remember what my personal hero, justice Thurgood Marshall said at the Bicentennial celebration of the signing of the United States Constitution. Justice Marshall said, the basis of the United United States Constitution is simply this.

Ben Crump: That a black baby born to a black mother, the most uneducated black mother, the most inarticulate black mother, the most impoverished black mother, has the same exact rights he said as a white baby born to a white mother, the most educated white mother, the most articulate white mother, the most affluent white mother, just by virtue of that baby drawing his first breath as an American citizen. Now, Justice Marshall said, I know that's not the case in America today, but I challenge anybody to say that's not a goal we're fighting for. He said, I challenge anybody to say that's not what makes America be the great beacon of hope and justice for all the rest of the world to marvel. So when we fight for the Trayvon Martins of the world, when we fight for the George Floyds of the world, when we fight for the Breonna Taylors of the world, when we fight for the Ahmaud Arberys of the world, when we fight for the Tyre Nichols of the world, when we fight for the 14-year-old Tamir Rices of the world, when we fight for the Sandra Blands of the world, when we fight for the Alton Sterlings of the world, when we fight for the... north Charleston running away because I thought that was so graphic.

Ben Crump: When we fight for the Atatiana Jeffersons of the world, when we fight for the Pamela Turners of the world, when we fight for the Ezell Fords of the world, when we fight for the Stephon Clarks of the world, when we fight for the Emmett Tills of the world, when we fight for whom my grandmother would often refer to as the least of these, using the biblical reference, then brothers and sisters, what we are really doing is fighting to help America live up to its creed. What we're really doing is fighting to help America live up to being the great beacon of hope and justice for all the world to marvel. But what we are doing, brothers and sisters, more than anything else, we're helping America, be America, for all Americans. And that is the goal. That is how we give our

children a better world, a better America, by making the Constitution real for them too. I know you're going to do it, Lewis and Clark students. I have all the faith in the world. I'm betting everything on you. I'm pushing all my chips to the center of the table. Lewis and Clark, you all are the hope thank you. God bless you. Thank you,

Jennifer Johnson: Ben. That was extraordinary. Thank you. Thank you so very much to you and to Bob for a remarkable evening, one that I'm sure none of us will ever forget. We now have a special presentation for Ben. We are going to award him with a Lewis Clark honorary degree.

President Holmes-Sullivan: Benjamin Crump, a 1992 graduate of Florida State University in criminal justice and a 1995 graduate of Florida State University College of Law. You have dedicated your life, life to social justice as an attorney, author, and advocate. You are one of the nation's leading lawyers for plaintiffs in civil rights cases, and you fight for the underserved. Your tireless dedication has led to record setting verdicts and settlements, as well as the adoption of state and federal legislation and training regimens designed to prevent excess police force and civil rights violations. For your distinguished and steadfast dedication to justice and service. Lewis and Clark College is honored this day to confer on you, Benjamin Crump, the degree of Doctor of Humane Letters, *honoris causa*.

Jennifer Johnson: You are so welcome. You are most welcome, and this brings for us a close to such an extraordinary evening. I wanna thank everybody for coming. Please be safe as you exit and safe travels home. Good evening.