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On Halloween night, a University of Oregon law professor hosted a private party at her home attended by some faculty and students. She donned a costume representing an African-American doctor, including a hospital gown and the coloring of her face.

The professor in question had a long record of advocacy for the rights of minorities. She was even nominated for the university's Martin Luther King Jr. Award. In fact, she wore the costume to honor an African-American hero of hers (Dr. Damon Tweedy, author of "Black Man in a White Coat.") There seems to be no doubt that there was no malicious intent in donning the costume.

The reaction of the law school dean and some of its faculty was swift: The dean placed the professor on administrative leave, and a majority of faculty members signed a letter calling on her to resign.

"We are angry," proclaimed the letter, twice. "You need to resign. It doesn't matter **what** your intentions were. It doesn't matter if (your conduct) was protected by the First Amendment."

The idea that intentions don't matter when evaluating a person's culpability — which appeared both in the faculty letter and in an email written by an associate dean and circulated to the students — is not just wrong but also contradicted by **what** law professors **preach** daily in their classrooms.

Measuring individual culpability by reference to one's intent is a foundational principle of our criminal law, our tort law, our contract law, and our constitutional doctrine. In fact, that principle — absent from primitive legal systems — is considered one of the greatest civilizing forces of our law.

For law professors to claim that intentions don't matter is, frankly, preposterous. (Even more ludicrous was the remark of another university professor, who wrote to the university president that the absence of a racist intent "makes it worse" in his view, because it showed ignorance and callous disregard for minorities.)

The event in question was attended by some students and faculty, but it did not take place in a classroom or even on campus. The costume was donned at an after-hours private party at the professor's own home. This, combined with the fact that the costume was donned without any malice — to the contrary, in an attempt to celebrate an American hero — should have obviated any demand for giving up one's livelihood, let alone a suspension. Moreover, let's remember that **we** are dealing with a public university professor at a time that many of us fear might prove challenging to academic freedom.

I do not speak only for myself at the law school when I say that the dean's response, and the

faculty's letter, were a disgrace. This was a failure of leadership and pedagogy, and opposition to it within the law school was expressed from day one.

This regrettable Halloween event was a **teachable moment**, but it ended up teaching many wrong lessons. Surely, this was a **moment** to teach about racial sensitivity and awareness of history, and of **what** it means to live as a racial minority in this country. But it was also a **moment** to teach other valuable lessons for law students: Do not rush to judgment. Deliberate carefully, away from emotions running high. Consider all the relevant factors. And show compassion for human fallibility.

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