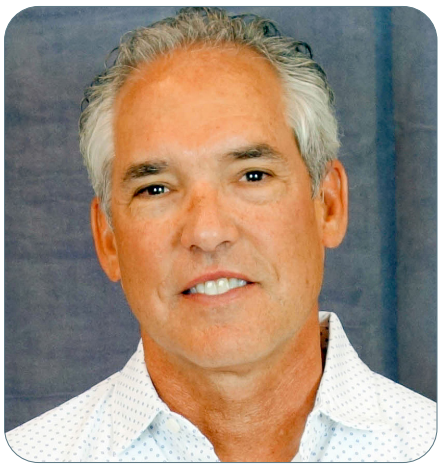
# PRESIDENT'S MESSAGE



## The Harder Right

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**Given the current events happening in our country, I ask all of us to reflect back to why we became lawyers and to examine some of the landmark cases that have been decided during the past 200 years. For me, growing up in the 1960s, I was influenced by the tumultuous times involving the Vietnam war, civil rights marches, the 26th Amendment, the Equal Rights Amendment movement, the political unrest during the '68 election, and the enjoyment of great music expressing ideas of a new world and new way to look at things.**

I always wanted to be someone who represented people who had little access to justice, those unaware of their constitutional rights – unfortunately, I got sidetracked in 1990 when I needed to make a living – or those who needed help to be represented in the system and to have their voice heard. I want all of us to be treated equally, as we are all human beings and have the right to live in peace as was stated in the Declaration of Independence and the Constitution of our great country. When I started out studying constitutional law in law school, I was amazed to learn and read about how our country saw our fellow humans of this world and how our nation justified some of its decisions.

I am sure most of you are aware of the famous case *Dred Scott v. Sandford*, 60 U.S. 393 (1857), in which the U.S. Supreme Court reached a decision that African slave descendants were not U.S. citizens. Thus, according to that ruling, they had no claim to freedom. Since they were not citizens, they had no standing to bring a lawsuit in a federal court. Since slaves were considered property, the court ruled that Congress did not have power to regulate slavery or revoke a slave owner's rights.

Forty years later, the country was able to move away from slavery and the court decided *Plessy v. Ferguson*, 163 U.S. 537 (1896) for the proposition that somehow a state could separate people by their race as long such separation was "reasonable," according to the discretion of state legislators. While this decision was considered progressive for its time, it was a long way from where we are today. This case legitimized state laws establishing racial segregation, which resulted in many state legislators disenfranchising most Black people in the U.S.

Racial injustice was not just limited to Black

Americans. For example, Chinese were discriminated against by the Chinese Exclusion Act signed by President Chester Arthur in 1882. Then in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the U.S. Supreme Court held that Wong Kim Ark had acquired U.S. citizenship at birth. The court upheld the concept of *jus soli* (citizenship based on place of birth) versus what the dissenters wanted: *jus sanguinis* (inheriting father's citizenship instead of the place of one's birth) Since Wong Kim Ark was born in the U.S., the court reasoned he was protected by the 14th Amendment.

> **"Make us to choose the harder right instead of the easier wrong and never to be content with a half-truth when the whole can be won."**

After another 60 years, the Supreme Court justified another form of discrimination based upon race in *Korematsu v United States*, 323 U.S. 214 (1944). In this case, the court affirmed Korematsu's conviction by making an argument that he was not excluded because of his race, but because the country was at war and that Congress may allow its military leaders to impose such restrictions.

Then in 1954, the U.S. Supreme Court finally ruled separate was not equal and that integration could occur in *Brown v. Board of Education*, 347 U.S. 483 (1954). It was wonderful to see a unanimous decision by our country and legal system recognizing the psychological impact felt by members of a minority race. For centuries, this feeling of inferiority was perpetrated upon them in the community. It was long overdue for the court to recognize how this treatment would affect their hearts and minds in a way unlikely to ever be undone.

Finally, the court overturned a law banning interracial marriages in *Loving v. Virginia*, 388 U.S. 1 (1967). It is hard to imagine that it took until 1967 for the court to take this action and to allow people to love in peace. Think how recent that is, and now how far we have travelled and yet to go. Keep in mind that we are still breaking barriers as recently as 2016, when our State Bar finally elected its first State Bar President of color.

As you can see, we as a nation have climbed a long way from where we started, but it has been a long and difficult road for the minorities in this country. We, as a people, need to recognize all that we have experienced as a nation, and feel good about our court system, which has led the way in virtually all areas of society by defining what is right and wrong and providing protection to each of us as a people in a civilized society.

Please allow me to share a final quote I heard the other day:

> "Make us to choose the harder right instead of the easier wrong and never to be content with a half-truth when the whole can be won." (U.S. Military Academy).

I am proud to be an attorney and am looking forward to sharing more cases that have impacted our country and the world.