Constitutional and Practical Considerations of California Proposition 187

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HONORABLE JOSEPH F. BACA*

Thank you for inviting me to speak this evening.

It is an honor to speak at a distinguished Jesuit university such as Marquette. Marquette Law School is well known in this region and in the nation for providing a first rate legal education. I am impressed that Marquette not only provides a fundamental and basic legal education, but supplements this with an extensive clinical program providing an opportunity for law students to acquire practical skills.

As a sports nut, I find your National Sports Law Institute of particular interest. The fact that it is supported by the Green Bay Packers, the Milwaukee Admirals, the Milwaukee Brewers, and the Milwaukee Bucks adds a solid lustre to the program. The publication of the Marquette Sports Law Journal presents an extraordinary opportunity for students interested in sports law. That this University has three law reviews, the Marquette Law Review, the Marquette Sports Law Journal, and the Federation of Insurance & Corporate Counsel Quarterly, attests to the depth and breadth of the education available here.

One feature of Marquette Law School that makes you and the University of Wisconsin the envy of all law students throughout the United States is the fact that upon graduation you gain automatic admission to the Bar without having to suffer through a bar examination.

When invited to speak this evening, Marquette Hispanic Law Students representative, Ed Pichardo, suggested I might speak on Proposi-

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tion 187 that was recently adopted by referendum in California. Because Proposition 187 is of such vital concern to the Hispanic community, I agreed it should be the focus of my talk.¹

These are troubling times, not only in California, but all over the United States with regard to the relations between ethnic groups, between social and economic classes, and even between the genders. There seems to be an atmosphere of distrust and hostility among groups who are different from each other. This is nothing new.

Throughout our nation’s history there have been waves of immigration that have caused concern to the people already here. In 1869 and 1871, respectively, there were riots against the Chinese in San Francisco and in Los Angeles.² In the 1890s there was immigration bashing against southern Europeans. In 1906 the school board in San Francisco established separate schools for Japanese students.³ Only the intervention of President Theodore Roosevelt put a stop to that practice.⁴ When economic times are hard, when those who have much to lose feel threatened by the tide of immigration, drastic measures are considered to address the problems, real or perceived.

For the first time in memory, Californians are watching as businesses leave their state for other locations where they can find lower operating costs, lower real estate prices, and less stringent environmental restrictions.⁵ When the economy was going well, many citizens previously overlooked the costs of social programs. Programs seemed to work as long as federal defense contracts grew, real estate developers prospered, and growth continued. Suddenly, money became scarce and Californians began rethinking their welfare, education, and medical budgets. They thought a lot of this money was being spent on persons who they believed either did not deserve it or had not earned it: illegal aliens. In this atmosphere, Proposition 187 was born.

In November, Proposition 187 was approved by a whopping margin of 59% to 41%.⁶ This indicates that the state’s voters are extremely frustrated at federal immigration policies. Interestingly, even 23% of the

¹. Proposition 187 was passed in November 1994, and its various provisions have been incorporated into existing California statutory law. This article refers to Proposition 187 itself. Citations, however, are to specific statutory sections.
³. Id. at 413.
⁴. Id.
Latino, 40% of the Black, and 40% of the Asian communities voted in favor of it.\footnote{7}

I think no one would disagree that the United States has the power and the obligation to protect its borders and to regulate immigration into this country as it has for decades. The specific legal question, however, is whether Proposition 187 passes constitutional muster by addressing the problem of illegal immigration, or does it in fact exacerbate it and create other, greater problems.

I believe it would be helpful to examine the various provisions of Proposition 187 in order to understand its far-reaching effect and to see how it would mesh with existing federal statutes and the United States Constitution as well as the State Constitution of California.

The tone of Proposition 187 is set out in its preamble. In part, it states:

The People of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state.

That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.

That they have a right to the protection of their government from any person or persons entering this country unlawfully.

Therefore, the people of California want to . . . establish a system of required notification . . . to prevent illegal aliens in the United States from receiving benefits or public services in the State of California.

Two provisions of Proposition 187 prohibit the manufacture, distribution, sale, or use of false citizenship or resident alien documents. Manufacture is punishable by imprisonment of five years or a fine of $75,000.\footnote{8} Use of the documents is punishable by five years or a $25,000 fine.\footnote{9}

There is not much argument about these sections. Other provisions, however, are far more controversial.

\footnote{7} Id.
\footnote{8} CAL. PENAL CODE § 113 (West 1995):
Any person who manufactures, distributes or sells false documents to conceal the true citizenship or resident alien status of another person is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of seventy-five thousand dollars ($75,000).
\footnote{9} CAL. PENAL CODE § 114 (West 1995):
Any person who uses false documents to conceal his or her true citizenship or resident alien status is guilty of a felony, and shall be punished by imprisonment in the state prison for five years or by a fine of twenty-five thousand dollars ($25,000).
One provision requires law enforcement agencies to cooperate with the Immigration and Naturalization Service to determine the immigration status of any person suspected of being present in the United States illegally.\textsuperscript{10} State officials may question a person regarding his or her date and place of birth and date of entry into the United States and demand documentation to prove his or her legal status.\textsuperscript{11}

Persons will be excluded from public social services if it is determined or reasonably suspected that the person is illegally in this country.\textsuperscript{12} The types of public services denied are far-reaching. They include child welfare services, emergency responses to child abuse and neglect, and foster care benefits.\textsuperscript{13} Section 6 would exclude illegal aliens from publicly funded health care other than emergency medical care.\textsuperscript{14}

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\begin{itemize}
\item \textsuperscript{10} \textsc{Cal. Penal Code} § 834b(a) (West 1995):
Every law enforcement agency in California shall fully cooperate with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws.
\item \textsuperscript{11} § 834b(b)(1):
Attempt to verify the legal status of such person as a citizen of the United States, an alien lawfully admitted as a permanent resident, an alien lawfully admitted for a temporary period of time or as an alien who is present in the United States in violation of immigration laws. The verification process may include, but shall not be limited to, questioning the person regarding his or her date and place of birth, and entry into the United States, and demanding documentation to indicate his or her legal status.
\item \textsuperscript{12} \textsc{Cal. Welf. & Inst. Code} § 10001.5(c) (West 1995):
If any public entity in this state to whom a person has applied for public social services determines or reasonably suspects, based upon the information provided to it, that the person is an alien in the United States in violation of federal law, the following procedures shall be followed by the public entity:
\item \textsuperscript{13} Plaintiffs' Memorandum in Support of Application for Temporary Restraining Order at 19-20, Gregorio T. v. Wilson (No. 94-7652).
\item \textsuperscript{14} \textsc{Cal. Health & Safety Code} § 130 (West 1995):
(a) In order to carry out the intention of the People of California that, excepting emergency medical care as required by federal law, only citizens of the United States and aliens lawfully admitted to the United States may receive the benefits of publicly-funded health care, and to ensure that all persons employed in the providing of those services shall diligently protect public funds from misuse, the provisions of this section are adopted.
\end{itemize}
aliens would be excluded from public elementary and secondary schools, as well as public postsecondary institutions. The persons authorized to ask about status are the health care providers and educators. They will be making the determination that one is reasonably suspected of being an illegal alien.

Shortly after the certification of the election results in California, a number of lawsuits in federal and state courts were filed challenging the constitutionality of Proposition 187. In one case, a United States district judge in Los Angeles barred implementation of most of the measures by granting a temporary restraining order. The judge declined to enjoin the new sanctions against manufacturing or using fraudulent citizenship documents. She also did not prohibit the state's right to exclude illegal immigrants from public colleges and universities. That issue, however, is pending in a separate lawsuit.

Several of the lawsuits that have been filed in federal court challenge the constitutionality of Proposition 187. One lawsuit, in particular, raises the following constitutional challenges. First, it is challenged based on the Supremacy Clause of the United States Constitution. It is argued that the federal government has exclusive power over immigration and

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15. CAL. EDUC. CODE § 48215 (West 1995):

* * * *

(e) Each school district shall provide information to the State Superintendent of Public Instruction, the Attorney General of California and the United States Immigration and Naturalization Service regarding any enrollee or pupil, or parent or guardian, attending a public elementary or secondary school in the school district determined or reasonably suspected to be in violation of federal immigration laws. . . .


18. Id.

19. Id.

20. Id.

foreign affairs. The states have no power to regulate the conditions of aliens within their borders unless it is pursuant to federal law.\textsuperscript{22}

Second, the doctrine of pre-emption is asserted.\textsuperscript{23} The argument is made that the Immigration and Naturalization Act is a comprehensive statutory scheme for regulating immigration and naturalization.\textsuperscript{24} Congress also regulates aliens through the Social Security Act and the Immigration Reform Control Act.\textsuperscript{25} These statutes "strike a careful and delicate balance between the rights of the nation to regulate immigration and the rights of aliens within the country including those here unlawfully."\textsuperscript{26} It is argued that federal law recognizes certain rights and entitlements in aliens even though they may be subject to deportation.\textsuperscript{27} Contrary to Proposition 187, only federal immigration officials have authority to deport children and communicate with foreign governments for the purpose of transferring students between countries.\textsuperscript{28}

Third, equal protection is raised.\textsuperscript{29} It is contended that Proposition 187 prohibits state agencies from providing services and benefits to persons who are members of a disadvantaged class.\textsuperscript{30} It is asserted the state has neither a rational basis nor important or compelling state interests for creating the classification it has or for denying services and benefits to persons in that class.\textsuperscript{31}

Fourth, a due process argument asserts that Proposition 187 denies social services and health care benefits without first affording plaintiffs an opportunity to be heard.\textsuperscript{32} Additionally, benefits are denied on mere suspicion of unlawful immigration status, even though existing recipients and present and future applicants all have property interests in the benefits under state and federal law.\textsuperscript{33} Finally, there is a general allegation of a violation of civil rights under 42 U.S.C. Section 1983.\textsuperscript{34}

\textsuperscript{22} Id. at 15.
\textsuperscript{23} Id. at 15-18.
\textsuperscript{24} Id. at 16.
\textsuperscript{25} Id.
\textsuperscript{26} Id.
\textsuperscript{27} Id.
\textsuperscript{28} Id. at 17.
\textsuperscript{29} Id. at 18-19.
\textsuperscript{30} Id. at 18.
\textsuperscript{31} Id. at 18-19.
\textsuperscript{32} Id. at 19-20.
\textsuperscript{33} Id.
\textsuperscript{34} Id. at 20-21.
It is obvious that before Proposition 187 can be enforced in California, its constitutionality will be tested in the federal and state courts. It is easy to anticipate that it will ultimately wend its way to the United States Supreme Court.

Two lawsuits filed in state court focus primarily on the issue of education as a right in California. Article 9 of the California Constitution recognizes that education is a fundamental right. Further, Article 1, Section 20 of the California Constitution recognizes that aliens have the same property rights as citizens. Over the years, the California Supreme Court has held, based on these constitutional provisions, that education is a fundamental right under state law and the restrictions on education with respect to any group of people is subject to strict scrutiny. Once a class of persons is singled out for treatment that is different under the law, the courts may review that class and its treatment for constitutionality.

Courts, in making this inquiry, may apply any one of three levels of review. The more stringent the review, the less likely it is that the measure will be found constitutional. The least stringent measure of review is the rational basis test, which determines whether the statute bears some rational relationship to a legitimate public purpose. The middle tier measure of review is the intermediate scrutiny test, under which the court determines whether the statute infringes upon an important, although not necessarily fundamental, right or involves a sensitive,

35. Noble, supra note 16.
36. Lynn Schnaiberg, Approval of Prop 187 Spurs Suits, Protests, EDUC. Wk., Nov. 16, 1994, at 1, 25. The three lawsuits filed in state court on Nov. 9, 1994, Nos. 965,085, 965,089, and 965,123, are now consolidated. Telephone Interview with Janet G. McCormick, Deputy General Counsel with the California State Department of Education (Mar. 28, 1994). The Los Angeles Unified Sch. Dist. v. Wilson suit concerns the right of an education for students from kindergarten through 12th grade, while Jesus Doe v. University of Cal. Regents focuses on the right of students to a higher education. The third suit in state court, Pedro A. v. Dawson, also addresses the fundamental right to education, among other issues. The five suits filed in federal court are also consolidated. The League of United Latin American Citizens (LULAC) v. Wilson, No. 94-7569, originally focused on the fundamental right to education but was amended on Nov. 14, 1994, to include other issues. Children Who Want an Education v. Wilson, No. 94-7570, primarily addresses the fundamental right to an education. Barbara Ayala v. Wilson, No. 94-7571, focuses exclusively on the right to special education services for eligible children.
37. See, e.g., Butt v. State, 842 P.2d 1240, 1256 (Ca. 1992) (en banc) (education is fundamental interest and denial of basic educational equality on basis of district residence subject to strict scrutiny).
although not necessarily suspect, classification and whether the statute is substantially related to an important governmental interest.\textsuperscript{39}

The highest and most difficult measure of review is the strict scrutiny test, which determines whether the statute is narrowly tailored to serve a compelling state interest.\textsuperscript{40} This test is used where fundamental rights (e.g., voting rights or free speech) or discrimination against a member of a suspect class are involved.\textsuperscript{41} A suspect class includes groups disfavored by virtue of circumstances beyond their control such as race and ethnicity.\textsuperscript{42} As applied, almost no statutes subjected to strict scrutiny survive constitutional review.

In 1982, the Supreme Court of the United States was called upon to decide a case with issues similar to California's Proposition 187. The Court, in \textit{Plyler v. Doe,}\textsuperscript{43} considered a class action of undocumented children challenging a Texas statute denying them free public education. \textit{Plyler} is often cited as settling the issue of Proposition 187, but does it?

In \textit{Plyler}, the purpose of the Texas statute was to protect the state's revenues. The federal district court heard evidence and made findings in favor of the class. The court recognized that the increased population created problems for the public schools of the state.\textsuperscript{44} The district court noted, however, that the problems were not primarily caused by illegal immigration from Mexico but by an increase in the population of legal residents.\textsuperscript{45} The court also noted that the funding for the schools came from both state and federal sources and was based primarily on the number of children enrolled. Thus, excluding the Mexican children would result in some savings for the state, but based on the loss of federal monies,\textsuperscript{46} the overall quality of education would not necessarily be improved.

The district court further found that "the illegal alien of today may well be the legal alien of tomorrow," and that without an education, these undocumented children, "\textsuperscript{46} already disadvantaged as a result of poverty, lack of English-speaking ability, and undeniable racial prejudices, . . . will become permanently locked into the lowest socio-

\textsuperscript{39} \textit{Id.} at 441.
\textsuperscript{40} \textit{Id.} at 440.
\textsuperscript{42} \textit{Id.} at 216-17 & \textit{n.14}.
\textsuperscript{43} 457 U.S. 202 (1982).
\textsuperscript{44} \textit{Id.} at 207.
\textsuperscript{45} \textit{Id.}
\textsuperscript{46} \textit{Id.}
The district court, although making a passing reference to the strict scrutiny test, opted instead to find that the statute did not even survive a rational basis test and decided the case on that lowest level of review.\textsuperscript{48}

The Supreme Court, in affirming the district court, found that undocumented immigrants should not be treated as a suspect class and that education should not be considered a fundamental right, thus rejecting the strict scrutiny standard.\textsuperscript{49} The Court opted for the less stringent intermediate scrutiny test. It found that the statute infringed upon a child's important, although not fundamental, right to an education. More importantly, the Court found that the statute was not substantially related to any important state interest. The majority found that children are not responsible for their status and it is therefore fundamentally unjust to punish children for acts of their parents.\textsuperscript{50} Further, the Court said that denial of education results in a lifetime of hardship.\textsuperscript{51} Most undocumented children will remain in the United States permanently and exclusion will render them an illiterate subclass in the United States.\textsuperscript{52} Finally, exclusion of undocumented children will not improve education for other children.\textsuperscript{53}

Of significance in \textit{Plyler} was the fact the Supreme Court noted that no evidence was presented that undocumented immigrants imposed a significant economic burden on the State of Texas.\textsuperscript{54} The Supreme Court also found that the principal reason undocumented persons came to the United States was employment. The statute did not have the purpose or effect of keeping undocumented persons out of the United States.\textsuperscript{55}

Although those urging the unconstitutionality of Proposition 187 may take some comfort in the \textit{Plyler} decision, it is not on all fours with the situation in California nor is the composition of the Court the same. While all courts are bound to follow U.S. Supreme Court precedent, it is only prudent to examine the make-up of the present Court when predicting how they might rule on the constitutionality of Proposition 187.

\textsuperscript{47} Id. at 207-08.
\textsuperscript{48} Id. at 208.
\textsuperscript{49} Id. at 223.
\textsuperscript{50} Id. at 220.
\textsuperscript{51} Id. at 223.
\textsuperscript{52} Id.
\textsuperscript{53} Id. at 229.
\textsuperscript{54} Id. at 228.
\textsuperscript{55} Id.
Of the five Justices in the *Plyler* majority, only Justice Stevens still sits on the Court. Of the four who dissented, both Justices Rehnquist and O’Connor remain on the Court. Predicting the outcome of Proposition 187 with six new Justices is virtually impossible.56

There also may be sufficient factual differences in the California case to reach a different decision from *Plyler*. In *Plyler*, the Court found no evidence in the record that the undocumented immigrants created a burden on the Texas economy.57 From *Plyler*, we may presume that California will be required to present sufficient evidence of an economic burden. However, given California’s present depressed economic situation and *Plyler*’s forewarning of the need to submit such evidence, California may well be able to meet its burden. Likewise, California may have data available to prove that undocumented immigrants come into the state for non-economic incentives. Even if California does not meet both burdens, the new Supreme Court could abandon the intermediate scrutiny test and use the less stringent rational basis test. The rational basis test could result in a different decision from *Plyler*.

The interesting aspects of all this litigation for me as a state judge are the cases pending in state court based upon California precedent and the California Constitution. A number of state courts recently have written opinions which find that state constitutions afford greater protections to their citizens than those provided by the United States Constitution. In New Mexico, for example, we determined that under our constitution the United States Supreme Court’s good faith exception to the exclusionary rule in search and seizure cases did not apply.58

Aside from the esoteric legal questions raised by the litigation involving Proposition 187, the real concerns are the human concerns: the relations between different and diverse groups. An underlying premise of Proposition 187 is the assumption that immigrants come to the United States to receive public benefits and services.59 This may not be true. More often immigrants come for jobs, to reunify their families, and, in some instances, to flee persecution. Many times public benefits are the last things immigrants want from this country. Many undocumented immigrants tend to avoid any state-sponsored institutions.60 It just means

57. 457 U.S. at 228.
trouble for them. The real question is whether the denial of benefits to undocumented immigrants will result in immigrants leaving the state, or whether it will result in more sick and illiterate and indigent residents remaining in California.\textsuperscript{61}

Another implication concerns persons who are legally in this country by birth or naturalization. They may have been here for generations, but they simply look different because they are Hispanic or Asian, or some other ethnic descent. Will such people have to justify their presence in this country? There are already some reports of persons having to prove their citizenship. The Hispanic mayor of Pomona was stopped by INS officers.\textsuperscript{62} A Palm Springs pharmacist refused to fill a prescription for a customer who did not have proof of citizenship.\textsuperscript{63}

While many stories will surely crop up about the unfairness of Proposition 187, one should be judicious about these stories because it is too easy to make accusations. However, I thought it touching and instructive in understanding the human element of Proposition 187 to read from the affidavit of Maria G. attached to one of the federal lawsuits.\textsuperscript{64} Maria G. declares:

I [have lived] in Los Angeles . . . for 5 and 1/2 years. I am a widow. I do not now have papers. My husband had a green card for more than 30 years and the applications for my card and those of my children were pending when he passed away. My husband brought us here to live with him.

Three of my children currently attend public school. None . . . have legal residency. My youngest child was born here in the U.S. and soon will be enrolling in public school. All of my children are doing well in school.

My 14-year-old daughter K.G. is in 9th grade [and] getting excellent grades. She dreams of being a veterinarian. . . . She is very afraid that if Proposition 187 passes, she will not be able to go to school. She is very afraid that if she can't go to school, her dreams of being a veterinarian or zoologist will never come true. . . . All three of [my] children speak English well and it is hard to keep up with them.

For the last several years before his death, my husband owned his own business as a mechanic. He always provided for us. Now his social security survivors [sic] benefits are our sole source of

\textsuperscript{61} Fearful Aliens, supra note 60.
\textsuperscript{62} Jose Armas, Citizens Should React to Proposition 187, \textit{ALBUQUERQUE J.}, Nov. 27, 1994, at B3.
\textsuperscript{63} Id.
\textsuperscript{64} Plaintiffs' Civil Rights Complaint at 45-46, Gregorio T. v. Wilson (No. 94-7652).
steady income. At times I clean house to make ends meet. My oldest son at times also does some mechanics work.

I am afraid that if Proposition 187 passes my children will be thrown out of school since they do not have legal documents. All of their plans and hopes depend upon a good education. . . . I also cannot return with them to Mexico since this is now their home and their future and we have no place there. Even my citizen child will not be able to enroll in school when it is time. She will be questioned about my immigration status and forced to report me. . . . I also know that I cannot leave my youngest child and divide up our family.

These are the kinds of human situations that make one wonder whether Proposition 187 truly addresses the problems of illegal immigration or whether it will cause greater problems. With undocumented people not receiving vaccinations, the possibilities for epidemics such as tuberculosis are increased.65 The fact that children will not be allowed to attend public schools66 will forever keep these people in a poverty-laden underclass.67 The fact that medical care providers and public school officials will be required to be the initial determiners of citizenship68 will take away from them time that could be better spent providing medical and educational services. Family members will be pitted against each other because documented residents will be required to report the undocumented status of other family members. The class and racial differences that already exist among people in the United States are only exacerbated by legislation such as this, pitting one group against another.69 Our American dream of racial harmony and a melting pot are compromised by these laws.

The situation in California and the mood of the country at this time, has profound implications for Hispanic students who aspire to be attorneys. You who are here this evening studying law at a leading law school such as Marquette University are indeed a chosen few. How many of your friends never made it through high school or through college or were not accepted to law school? Not only are you a chosen group, but as Hispanics you are an elite group. There are relatively few Hispanics this February positioned as you are, studying law and destined to be attorneys. When you graduate and are admitted to the Bar you will be in a

65. Fearful Aliens, supra note 60.
66. CAL. EDUC. CODE § 48215 (West 1995).
68. CAL. HEALTH & SAFETY CODE § 130 (West 1995).
69. Armas, supra note 62.
position of power, but a position of power to do good. You will be called upon to help people through stressful times. You will be called upon to help people in times of family crisis. You might be called upon perhaps to litigate the Proposition 187s of the future. You will also have an opportunity for public service in the legislature, on school boards, county commissions, and as judges.

Since I was twelve years old, I wanted nothing else but to be a lawyer. At that time there were no lawyers in my family, but I did have a role model: United States Senator Dennis Chavez from New Mexico. He was a lawyer. I started listening to his political speeches on the radio when I was twelve years old and determined that I wanted to be a United States Senator from New Mexico. I figured the way you got into politics was to be a lawyer. I knew nothing of the work of lawyers.

You, when you become attorneys, have an obligation to give back to the community, to be role models, to be counselors, to be helpful, to be encouraging to other young people who might want to study law. Traditionally, Hispanics and other minorities are stereotyped in the law and find their way into solo practice or in small law firms doing plaintiff civil work and criminal defense work. While there is nothing wrong with this type of law and certainly the minority community benefits from your efforts, I want to encourage some of you who might be so inclined to aim beyond that, to seek positions of real power in the law and to see what good can flow from that.

About twenty-five years ago a cousin of mine who went to law school after I did was telling me about his dilemma of deciding whether to join a big law firm in Albuquerque or to go with a smaller personal injury firm. I shared with him a story about one of my college classmates, who, upon graduation from college, received a scholarship to Notre Dame Law School. He graduated No. 1 in his class and was editor-in-chief of the law review.

My classmate's first job out of law school was with a large Indianapolis law firm. This law firm had a client in Georgia who owned a mill. Certain federal regulations had been passed requiring the hiring of minorities in his businesses. He was assigned the task of seeing how one could avoid the law or postpone its application.

My classmate did all the research and presented it to the senior partner who called the client in Georgia and put him on the speaker phone. After explaining all the ins and outs of the law, the client asked, "What do you recommend I should do." The senior partner said, "Why don't you just comply with the law and start hiring." The owner of the mill agreed.
Had he been in a plaintiff's law firm attempting to enforce application of that law it probably would have taken hundreds of thousands of dollars and many years of litigation. But here with the good will of one person in power and a simple phone call the right thing got done. I urge you to prepare yourselves for these positions of power, to make good grades, to participate in law review, to seek out judicial clerkships, and to seek jobs where you can eventually make a difference.

My cousin took my advice and went to work for the large law firm. He is currently a partner and one of the most respected lawyers in New Mexico; because of his position he represents the Albuquerque Public School Board, the County of Bernalillo, and is President of the Board of Regents of the University of New Mexico. On a national basis, he also served a term on the American Bar Association’s judicial selection committee that passes muster on all federal judgeship appointments, including the Supreme Court of the United States. He has not lost his compassion or understanding or forgotten his roots; he is able to use his influence for the good of the Hispanic community as well as others.

So don’t you forget your roots and your responsibilities. You truly are a unique group with great promise and obligations to give back.