

In Hard Times, the Search for Social Justice*

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INTRODUCTION

I have been involved with social justice issues for many years. A few years ago the Hispanic National Bar Association was meeting in San Francisco. At the luncheon, pioneering Latina lawyers and judges were being honored. About half of them were former students of mine. I wondered, "*If they are pioneers, who am I, who preceded them?*"

I have also had a long association with the Central Valley. As a youngster, my family and I would travel from Orange County, where we lived, to the Central Valley, to the Fresno-Sanger area, where we would pick grapes, plums and all kinds of other fruits.

In fact, one experience in the Central Valley may have inspired me to go on to college. I was in junior high at the time, perhaps 13 years old, and we were picking grapes. It was getting late in the season, so I asked the field foreman how much longer he thought we would be picking. He responded, "Why are you asking?" I explained, "We always get back to school late. We have to work doubly hard to catch up." He looked at me, "Why, you're the first Mexican kid I ever talked to who is interested in education." I remember thinking to myself, "*One of these days, I am going to go back and I'm going to look him up. I will have my college degree in my left hand and I am going to punch him in the nose with my right hand.*" But, as you might guess, I later read the convincing works of Mahatma Gandhi about nonviolence, so I never did look him up. Negative experiences sometimes do inspire, though. I remember being determined to show him that in fact a "Mexican kid" *could* do well in school.

Now let me tell you of a more recent experience pertaining to the Central Valley. My wife and I proudly told some of our friends that we were planning a vacation in Fresno. They were puzzled, "Vacationing in Fresno? What's in Fresno?" They laughed at the thought, because most people do not realize that there is anything in Fresno worth visiting. But in fact there is a Blossom Trail, an over sixty mile roadway which is mapped out during the time that all the fruit trees are blossoming. My wife and I went there in February or March and we saw the multi colored blossoms; almonds, apricots, peaches, plums, and more. It was just beautiful.

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In addition to my history with the Central Valley and with social justice issues more generally, I have another strong connection with the Olmos Memorial Lecture; I was the first to give this lecture in 1992. I was a couple of hours delayed on that occasion. When I arrived, I was surprised that most of the people were still in the lecture hall. The delay was caused by riots that took place after the officers involved in the Rodney King beating had been acquitted. As the plane flew upward to the Pacific Ocean and then turned toward the north, I remember looking at the Los Angeles panorama and surveying the smoke coming up from many areas of the city. It was really quite dramatic. We have had hard times in our country and certainly the Rodney King riots was such a time. And today, we are experiencing an era of hard times for social justice. Several examples, close to my own heart, come to mind.

SOME SOCIAL JUSTICE ISSUES WHICH CONFRONT US

Legal Services

Congress has recently imposed restrictions on what legal services lawyers can do. Those restrictions both prevent lawyers from representing certain groups of poor clientele, and further restrict the remedies which these lawyers can use, even with the clients they do have. It is sad that poverty lawyers cannot represent undocumented immigrants nor can they file class action suits. These restrictions are reminiscent of the negotiations that we had with the Office of Economic Opportunity (OEO) when I was the director of California Rural Legal Assistance (CRLA) in the early 1970s. The government wanted to impose those same restrictions on CRLA. In the early 1970s, before the Legal Services Corporation was established, the legal services programs were administered by the OEO. Under the law, the Governor could veto any OEO program active in the state. Governor Reagan vetoed CRLA. The President could override the veto. President Nixon appointed a commission to investigate the changes filed by the Governor against CRLA. The Commission concluded that the charges were unfounded and that CRLA was an excellent and leading legal service program. I remember that the government negotiator, Frank C. Carlucci, who later went on to be a cabinet secretary in the President Reagan administration, argued: "But what will happen if we do not refund you? You are the leading legal services program in the country." And we replied, "What will happen if we do accept those restrictions? If the leading legal services program in the country accepts those restrictions, are they not going to be imposed on all the other legal services?" So we simply refused to accept them, and fortunately, after an extended political battle we were refunded without those restrictions.

Now Congress has imposed them. Those restrictions are an indication of why today it is more difficult to fight for social justice.

Federal Judiciary

Judge Richard Paez spoke at an Olmos lecture a few years ago. He was then a federal district court judge. He was later nominated to the Ninth Circuit. Several senators took exception to the fact that he had spoken favorably about

affirmative action. It may be that they also objected to the fact that he had been a legal services lawyer. The Senate refused to act on his nomination; he broke the records for the amount of time that transpired from the time he was nominated to the time he was finally confirmed. It went on for several years. To me, that also was an indication of how the leadership in Congress looks at some of the issues that are so important in terms of social justice.

Abuse of Presidential Power

I must say that I never thought that I would live in a country where our President claims for himself the power to have a person arrested and to deny that person the right to a lawyer and access to the courts. It just never crossed my mind that that could be true. Nor did I think that I would live in a country where the executive claims to have the power to torture people. It is just beyond my comprehension. Social justice depends on the freedoms we enjoy in this country, as residents and citizens. Excessive executive power imperils the role of the legislature and the judiciary.

Destructive Immigration Change

When I was on the United States Commission on Civil Rights, we held hearings after September 11th in which officials of the INS (Immigration and Naturalization Service) testified. We heard testimonies from the government and from the lawyers representing Arab-Americans. An INS representative testified that the INS was following all the laws and all the regulations, which permitted any person arrested to contact family members or an attorney within forty-eight hours. Then we heard from a private lawyer who indicated that he had been retained two weeks earlier to represent an Arab immigrant who had been arrested. The attorney was told that his client was in Washington, D.C. He went there, but was told, "Oh, we just sent him to Louisiana." So the attorney flew to Louisiana and went to the jail house, but they explained, "Oh, he's not here. We sent him to Kansas." So he flew to Kansas, but did not find him there, either. At the time the attorney was testifying, it had already been two weeks since he had been retained, but he still had not been able to find his client.

Taxes and the Public Sector

Lawlessness by our own government, it seems to me, reminds us that there are many battles yet to be fought with respect to social justice. We have administrations in Sacramento and in Washington, D.C., which seem to be derisive — and I use the term advisedly — of the public sector. The California governor had a meeting with the editorial board of the *Sacramento Bee*, where he said that, "We need to starve the monster." "The monster" was his description of the public sector of this state. And early on in his administration, President Bush said that all the taxes that go to Washington end up in "a black hole," indicating that somehow no good could come from those taxes.

Now, I confess that I never knew that black holes build schools and highways, or support agriculture and even subsidize the airline industry. I did not

know that black holes provide health care. But that derisiveness on the part of some of our leaders seems to be calling on our lesser instincts, instead of calling on our best instincts as Americans, and that has a serious consequence.

One example is the cost of attending public universities in California. Law students at these institutions, who are California residents, pay fees, not tuition. However, at King Hall (UC Davis Law School) the annual fees now are \$23,000 to \$24,000 a year. We have practically privatized public education. When I graduated from Boalt Hall (UC Berkeley Law School) in 1958, I do not remember what the fees were. It was just one of a dozen little fees under \$100.00 a semester. Indeed, when I started teaching at UCLA's law school in 1990, the annual fees were \$4,500. Later, Governor Pete Wilson increased the fees by \$6,000 raising the fees to \$11,000 or \$12,000. And now, under the recent governor, the fees have doubled to \$23,000 or \$24,000. When taxes are not levied on all of us, those least able to pay – the students – must carry the burden.

I ask you, then, how many graduates are going to be able to work for government agencies, or for legal services if they graduate with debts, as many of them do, of fifty or one hundred thousand dollars? The health of public education is much weakened. Free public education reminds those of us who graduate from public schools like Boalt Hall in Berkeley and King Hall in Davis, that the public really *is* interested in having a great profession of lawyers who will serve those who need the help, and not limit their representation to those who have resources. It seems to me, then, that by not providing free public education, we are weakening our responsibility to the public welfare.

A SOCIAL JUSTICE RESPONSE

So what do we do about these issues? The answer is not easy. It seems to me that the first thing that we should do is to think about the ideals of our country as proclaimed in the salute to the flag: "liberty and justice for all." What does "liberty and justice" mean to us in terms of public education, health, housing, or how we treat those in our society who do not have a lot of power. Our first task is to identify what we think should be true about our country. Then, we simply have to renew our efforts to get as close as we can to those ideals. It is great to be active during good political times, but it is doubly important to be active during hard times. I have always described myself as an "operational optimist." What I mean by that is that I am an optimist in the way I operate. Those battles for social justice must be fought. We know, particularly in hard times, that many of those battles will be lost. But we know that if we do not take on those battles, all of them will be lost. So you take them on. You win some and you lose some, but you do not permit lost battles to discourage you. You carry on with optimism.

My faith continues to be in the people of this state and this country, the people acting individually and through their organizations. Elected officials respond to the pressures emanating from community groups. It is up to us, as part of that community, to apply the proper pressures. I really do think that in the present political environment, we are an electoral democracy. That is, we have to act individually and collectively to insist that folk who are elected to public office respond to the needs of society.

The Needs of a Society

What are those needs respecting social justice? I have always accepted the notion that individuals have a great deal of responsibility, but that government is there to do those things that individuals cannot do for themselves. I do not think, for example, that individuals alone are capable of responding to the Katrina disaster in New Orleans. I do not think any individual is able to build a highway or arm an army. We as a people decide what government ought to do for our own welfare. At the same time, if we think it is important, we ought to be willing to pay for it.

The "T" Word (Taxes)

Let us talk about the "T" word, taxes. Those in public office never seem to want to talk about taxes, as if public services can be provided without them. Often a person running for public office promises to cut taxes, and is asked, "How are you going to do that?" Invariably, the explanation is, "We're going to cut out duplication and waste." Well, in California we have the Little Hoover Commission whose principal job for years has been to do precisely that, to recommend specific steps to eliminate waste and duplication. However, many voters still seem to be satisfied with candidates who answer that they will do the same.

I remember reading about an election which took place in England. The conservative candidate was running on what was described as a George W. Bush-type campaign. He was promising a deep cut in taxes, something like twenty-five percent. Every place he campaigned, he would be asked, "What programs are you going to cut when you cut taxes?" He declined to answer during the entire campaign, and endured a humiliating loss.

I asked a student of mine who was formerly from England, "Why did the British understand that if you are going to cut taxes you actually have to cut programs and not be satisfied with the notion that you are going to find twenty-five percent waste and duplication in government?" He explained that "What happened in England is that we had a conservative government, and taxes were cut, but the only way they were able to do it was to cut programs, so the citizen is conscious that there is a connection." I suggest to you that we as Americans somehow still have not quite made that connection.

Farm Workers

The need for farm workers has recently been newsworthy in Washington, D.C. Farm workers and growers are very important for our country, for our state, and certainly for the Central Valley. I am told that we export over \$7 billion per year of agricultural products from California. From material that I have read, I gather that one out of eight jobs in California depends, in one way or another, on agriculture, and nationally we produce fifty to one hundred percent of important fruits and nuts in this state.

Who are the farm workers who work those fields? Seventy-five percent of all of the farm workers were born in Mexico. Fifty-three percent of all the farm workers are undocumented. These issues have been around for a while. The Dean mentioned that I was a member of the Select Commission on Immigration and

Refugee Policy in the 1970's and 1980's. The Commission was composed of four Senators, four Congressmen, four cabinet members, and four citizens, of which I was one. We studied the issue of undocumented farm workers at that time. We made many recommendations, including the amnesty program. And here we are, more than 20 years later, with many of those same issues still before us. Our history in California is somewhat different than that of other states. The very basic problem which we have is the reality that agriculture interests have had the political and economic power to ensure that there are always a sufficient number of workers to meet the necessities at the peak season, when there is the greatest need for those agricultural workers. At all other times of the year, there is unemployment. During the wintertime, when agricultural work cannot be found in the Central Valley, the unemployment rate sometimes reaches twenty or twenty-two percent. In many ways, the cost of this cycle falls on the public - the high cost of medical attention to those workers, who obviously do not have medical insurance, the unemployment payments that are made, the public housing that has to be provided-because the laborers themselves do not work year round. They do not earn enough to save for the wintertime and to live a decent life during those unemployment days.

What's the answer? We now have some proposals in Washington for what appears to be a new Bracero program. I was always critical of the Bracero program, and I will speak to that in a minute. When I was practicing law in Imperial County during the 1960's, I represented hundreds of Braceros, particularly in workers' compensation suits. The Bracero program did have one important teaching for us; farm workers can be utilized efficiently. What happened was that the Mexican government had an agreement with the U.S. government to enter into contracts with associations that represented the farmers. By contract, the association agreed that the Braceros would work a certain number of hours per week. That provision was meant to provide full time employment for the Braceros. I saw in Imperial County, and elsewhere, that the growers had a responsibility to keep those crews busy. They organized the workers so that when the labor ended on one farm, they would go to another farm. And the growers did keep those workers utilized, unlike the present situation. While I considered the Bracero program exploitative, at least those provisions, it seems to me, provided an important lesson.

There are solutions, it seems to me, if we have the will to better utilize those farm workers. Not long ago Dolores Huerta told me of the experience the United Farm Workers had with union shops. When a union member lost a job, that member would report to the union hall and be sent to a farm where he or she was needed. Incidentally, I think farm workers ought to be covered by the National Labor Relations Act. They have never been covered by the labor laws of this country.

What does a farm worker earn? I read an article the other day that in California it takes a family of four, \$50,000 a year to live half decently. Farm workers are earning, per household, between \$7,500 and \$10,000 a year. How can they support a family? California's farm labor market must increase wages substantially.

Low family income is not limited to farm workers. I still remember getting my check stub from UC Davis and noticing that my insurance company was charging me \$500 a month for health insurance. I thought, "*there must be a mistake since the university is supposed to pay half the premium.*" I assumed the \$500.00

represented the entire premium. I called the insurance company, and they said, "Oh, no, the \$500 is 50 percent. The actual cost is \$1,000." That is just for me and my wife. I said, "How much is it for a family of four?" It was two or three hundred dollars more. By coincidence, that day, I read in the newspaper about a potential strike by bus riders in Los Angeles. The article mentioned that the average rider of public transportation in Los Angeles earned \$12,000 per year. How can they survive? The answer is that two or three or four families live in one household. I remember thinking to myself, "*Those folk are earning as much as my wife and I, with help from the university, paying for our insurance.*" What can society do when we have that type of situation?

Immigration

Among the many proposals affecting immigration are those to establish a guest worker system. The administration has not provided details of its guest worker plan. However, the President has called for "a willing worker being placed with a willing employer." To me, that sounds like a Bracero program. If so, imagine the power that employer has over that worker when, by a word from that employer, saying, "I don't like that worker," the worker gets sent back to Mexico. I suggest to you that this is the worst sort of program that we could institute.

To me, the only acceptable guest worker program would be one which permits workers to come to the United States for five years with no restrictions. They can go from one employer to another, so they will not be exploited. They would be free to travel back and forth across the border. To my knowledge no such proposal is before Congress. Yet it seems to me that such a program would bring those young workers who are needed into our economy, and, at the same time provide them the opportunity to protect themselves from the sort of exploitation that we saw during the Bracero era.

We need to keep in mind what our own ideals are. They include a living wage and respect for all workers. A temporary worker should have the same benefits as any other worker. The public policy of our nation and state should seek to assure that farm workers receive decent pay, affordable housing (public or private), and a non-discriminatory work place. Farm workers, who contribute so much to our society and to our welfare, deserve a work place as close to that ideal as possible.

Housing

The other day I went to a fundraiser for CRLA. Photographs which had been taken recently were on display. They showed housing for farm workers; temporary housing that farm workers had built for themselves on the edges of fields and orchards. The housing was comprised of leantos made from used corrugated steel sheets, cardboard, old planks and tent material. Children are seen with those families. There was no running water and no restrooms. The families cooked outside. These were contraptions put up by these folk because they could not afford housing. Basically, they had nothing.

Jose Padilla, the Executive Director of CRLA, mentioned that they had shown these photographs to the Legal Services Board. The photographs had helped

educate board members, some of whom came to him and told him that they had just learned about the real living situations of many folk who work the farms and ranches in California. We can do better. I have had the occasion, the great pleasure, of visiting a couple of housing projects that were built for farm workers which were marvelous housing units, built mostly with government funds. In those communities there was the will to apply for those funds to build decent housing.

Housing issues are not limited to farm workers. In California, we see great changes in the housing patterns. Once upon a time Galt, near where my family lives, was a little town west of Highway 99, equal distance between Sacramento and Stockton. It decided to expand, and it expanded near where my family lives, into agricultural areas east of Highway 99, into an area as big as the former city limits. And there, it is growing houses instead of crops. Why did it do so? I think it was forced into doing so because the public institutions do not have the resources to buy land for public purpose such as schools and parks. Since local governments do not have that money, they enter into deals with the developers. The city incorporates all this land and the developers can buy that land cheaply. In turn, developers build houses and sell them expensively and therefore can afford, as did the builders in Galt, to set acreage aside for schools and parks at no cost to those public agencies.

The cities are being forced to do that because they do not have their own economic base since Proposition 13 came into effect. My son, who is a lawyer, with offices in Galt, tells me that in the new housing projects in Galt, the developers must pay an average of \$135,000 before they can build a house. The reason is that the cities no longer have the taxes to pay for the infrastructure. Since the city cannot afford it, it requires the builders to pay for the expense of building sidewalks, sewers and all necessary infrastructure. Housing thus becomes even more expensive.

But none of this is accidental. These laws do not come from God. We have made these laws. Our system is dysfunctional in terms of our taxes. Cities have to take over this agricultural land in order to provide parks and schools. We, as people in a democracy with a small "d," really have to look at this anew and say: It's not working; what can we do?

From what I hear in Sacramento, not much will happen to change Prop 13 unless we, as citizens, insist that it happen. Prop 13 protects every property owner, including business owners. Businesses, particularly corporations, do not change legal ownership very often, so many lands owned by corporations have been protected by Prop 13 since the initiative was passed. Yet, as we know, all of the propaganda in support of Prop 13 during its campaign was about helping homeowners. Prop 13 limits the increase in property taxes by protecting homeowners from elevation in taxes based on the inflated market value of their homes. If Proposition 13 could be limited to homeowners, but not extended to business entities, it seems to me that we will solve part of the problem.

But I want to mention one other thing. Taxes on property are not the only way that we can tax ourselves. New Mexico, where my family and I lived for several years, has not only a sales tax, but also a service tax. My wife and I still own a home in New Mexico. A realtor takes care of it; when he sends us the rent he deducts the taxes for his services. Some places have income tax that cities and counties can access; the state collects it and then sends it back to them. So there are many ways of taxing. If we really feel that what is happening in California now, in

terms of housing, is not what should happen, we as citizens have the power to think it through and insist that we do better.

One further thought: housing is so important for the families who live in our state. Every study indicates that if a family owns their own house or apartment then the crime rate of their children goes down, the children do better in school, and the streets of their neighborhood are safer. Homeownership is very important for our society, yet we are doing, I think, relatively little to encourage its growth.

I was reading that New Zealand has a program to encourage potential new homeowners to purchase their homes. When people save money, the government matches up to \$1,000 per year for five years. The hope is that in that time, the individual will save enough money to be able to buy a home. The program helps mostly low-income and middle-income people, though not the really poor, who are still unable to make mortgage payments even if they are able to save for a down payment. We need to think hard and come up with ideas as to how more of the people of California can own their own homes.

Education

Education is a subject close to my heart. The Constitution of California says that every child is entitled to a free education. Well, are we getting that? The answer is "no." There is a film that I saw not long ago, contrasting what is happening to a poor school district against a wealthier district. In the wealthy school district, all of the parents are asked to contribute \$1,000 a year to a foundation. That foundation then helps the school. That school—it showed photographs—is beautifully kept, beautifully painted, with neat lawns. It enjoys an orchestra; art classes and theatre. The film then shows the poor public school in Richmond, California. Broken windows, toilets that do not work, and the lack of textbooks are vividly portrayed. We do not have equal education. It seems to me that that is very important.

Then we have the issue of bilingual education, which finds itself under attack by many folk. There is a basis for complaint about bilingual education when it is improperly implemented. I have nephews and nieces who were in a bilingual program, and they just felt they were segregated within the school and were not learning. However, a bilingual program, if well done, can be of the greatest value to those children for whom English is a second language.

In dealing with problems in education, we must also look to higher education. So many young people, particularly folk of color, end up not being eligible to go to the UC system or the state college system, and so end up in the community college system. I went to a community college, and I think it is a great system. However, all students should be able to compete for UC or state college admission. Aren't Equal Protection rights being violated by the State of California when so many students of color attend CA public school, K through 12, and end up with an education that does not permit them to successfully compete for an education in the public universities? I must say that we need to worry about getting those folk into all institutions including community colleges, the state system and the UC system.

Finally, I just want to mention to you, that we in public law schools are not

doing very well in terms of diversity. Private law schools not controlled by Proposition 209 are not doing so well either—they have failed to bring in folk of color to their institutions. The results are serious. The present governor has appointed over ninety judges, but including a grand total of only two Latinos. Some of the folk have raised concerns about that. His appointment secretary has responded publicly that the record is not bad arguing that only about four percent of the lawyers are Latino; thus the pro rata numbers are only a little bit behind that norm. How can it be that a state that has a one-third Latino population have a pool of judges that are so unrepresentative of the people of the state? Can we really have confidence in a judiciary that is so unrepresentative?

Health

As a young lawyer, I was asked to serve on a panel to which young people were referred after coming into contact with the law. It was an interesting experience for me. Some children were having problems in school, and nobody realized that it was because they could not see well and needed glasses. Another child, who would not go to school, had an unrecognized urine problem and was embarrassed to go to school. Something like nine out of ten cases we examined could be traced back to health related problems. Those health problems were left untreated and eventually brought these children to the attention of the law. Do we have the institutions to be able to find those problems early on?

In the Central Valley, we have suffered an increase in reports of asthma. The reality is that we have one of the most polluted valleys in the country. When I was a kid in grammar school and junior high, we would travel to work in the Central Valley. We could actually look and see the white-capped mountains, *the Sierras*, to the east and the coastal mountains to the west.

Some folk argue that standards which will preserve clean air are going to cost us money. That may be true. But, how much money does it cost to have folk get sick, go to hospitals and even die young. I think we have to be realistic. The conflict between jobs and environment, in my view, does not exist. Having a good environment is good for all of us, and saves money in the long run.

PERSONAL REFLECTIONS AND OBSERVATIONS

I suggest to you that in these areas of family income, immigration, housing, education, and health, there is much work to be done. I have seen bad times and good times in terms of social justice. When I grew up, I attended a segregated school. That was not a good time for Latinos. We did not have segregation for all Latinos. It depended on how many Mexicans and Mexican-Americans lived in each community. I was born in a little town called Brea, where there were just three Mexican families, and no segregation. I grew up speaking Spanish at home but English in the streets. The kids my siblings and I played with and fought with spoke only English. So we grew up bilingual.

Later we moved to the town of La Habra, and we found what looked like it was our local school, but when we went there, we were told that we had to go to a different school. We went to that other school and noticed that everybody there was

Chicano. We inquired: "Why are we being sent to this school?" And the school official responded, "You are being sent to this school to learn English." Since we already knew English, we were suspicious that maybe that was not the reason. Indeed, we found that it was simply a segregated school system. We did not know before that such segregation existed.

Citizen action is vital. A great community effort by citizens of a neighboring district who supported desegregation is what eventually persuaded the school board members in our district to desegregate. A successful desegregation lawsuit in that neighboring district showed them that they might be able to desegregate without inciting violence in the community. In fact, when they announced their desegregation plan, the audience was about fifty percent Latino and about fifty percent Anglo at the School Board meeting, and everyone burst into applause. I remember thinking to myself that the people of the town were ahead of their elected officials. They were ready for this change, but it had taken citizen action to convince those officials that it was time to desegregate.

Later, I lived through the Senator Joseph R. McCarthy era, a time when many Americans were afraid that there were Communist cells all over the country and that the members of those hidden cells were going to attack and take over the country. Does that remind you of some of the recent political discussion about Al Qaida cells? Sadly, folk who believed in civil rights were often accused of being fellow travelers or Communists. Those who believed in social justice were often accused of being un-American. And yet that time, too, came to an end. A time came when the American people saw that McCarthy was the fraud that he was, and the people turned against him.

And I lived through the Jim Crow era of discrimination. Some of you may have heard me tell that on one occasion, when I was enlisted in the army three of us soldiers went to downtown Baltimore. We were all in U.S. Army uniforms. We were convinced we were going to be sent to Korea. The war was still on. One of the soldiers was a rather light-skinned Chicano from Arizona. I was from California, and the third was an African-American, a young soldier from California. As we were walking down a wide sidewalk, we decided to go to a movie. The young man from Arizona went to get the tickets. Then he came back and explained that, "We can't go in. They say they're full." I thought it was odd that on a Saturday afternoon, a movie house would be full, but what did I know about practices in Baltimore? As we walked down the sidewalk, we separated a little bit, and he leaned over, and said, "Cruz, I am sorry I lied. They said you and I could go in but our black buddy could not, and I told him to go jump." I recall the sense of fury that I felt, that here we were, my own government had drafted my Black buddy and me from California, and sent us to Baltimore. There, though we were in uniform and about to go overseas perhaps to lose our lives, our government was unwilling to protect our civil rights.

When I traveled in the South during those days, I noticed all the signs that said "Colored" and "White." I did not have money, so I traveled by Greyhound bus. At the Greyhound stations, invariably the "Colored" restroom was a little toilet out in the field, or the drinking fountain was not clean, and the "White only" accommodations were so much better. I remember thinking to myself about the lack of respect for the African-American riders and the disgrace that it brought to our

country.

In 1954, *Brown v. Board of Education* was decided by the Supreme Court and I remember feeling vindicated. The long process of desegregating public schools took new force. I was confirmed in my belief that our country does stand for "liberty and justice for all;" it is true to the pledge found in the salute to the flag.

Issues from my youth have their reflection in today's world. I am thinking of legal services. I had the great pleasure of going to Watsonville the other day for a fund-raiser for a local legal services program. It has only four lawyers, but it is a program that takes not one penny from the federal government. The lawyers are therefore able to do all the things that legal services programs funded by the federal government cannot do. I was later talking with a friend of mine who follows developments in legal services very closely, State Appellate Judge Earl Johnson from Los Angeles. He was telling me that in California, the federal government only contributes 20 percent of the funding for legal services programs. The state has foundations and individuals in California which contribute the other 80 percent. And I am thinking to myself, "*I had thought when legal services first came into being, that it was such a great, giant step for our country to say: We understand that civil rights often have to be protected in civil litigation.*" And that is what we in California are doing. While the federal government has reduced funding, others have stepped in. They heard the message that providing services to the poor was indeed a great step forward for justice and freedom and democracy.

So let me conclude just by recalling that before the Civil War, folk were fighting against something that was protected by the Constitution, slavery. However, Abraham Lincoln argued that the Constitution simply recognized the reality, not the desirability, of slavery. At the same time the constitution incorporated within itself the great notions of freedom and equality, and liberty and justice. Citizens, he argued, had a duty to recognize the reality of slavery, but to work day in and day out to reach the ideals found in the constitution, which he called "standard maxim." That meant, he argued, that citizens had a duty to speak and work against slavery, to change that reality, a reality so against the notions of freedom and equality.

Today we still have those same duties. During the Second World War, President Franklin D. Roosevelt proclaimed that we were fighting for four freedoms. He mentioned freedom of religion and other freedoms found in the Constitution, but he also mentioned "freedom from want," a freedom not found in the Constitution. I think he had in mind that we were just getting out of the Depression and that people needed roofs over their heads, clothing on their backs, and food on their tables. But our wants go beyond that. Our wants go to freedom and equality. They include liberty and justice. Our wants go to music and literature. We have a duty to seek after those ideals, but we will not get there unless we agree, you and I, that we will work day in and day out, to make sure that those in power, those who can change our country, in fact do so and bring us a bit closer to those ideals that we all have for our own state and our own country.