

# New York Law Journal

## LAW DAY 2008

*The Rule of Law*

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ALM

### Our Ideals Require Embracing All Americans

BY YANG CHEN

**W**E CELEBRATE this Law Day mindful of the countless wrongs committed in the name of the law and under color of law and right. Yet, we remain hopeful that the ideals represented by the rule of law may yet be achieved, and we believe they can be achieved if the system embraces all Americans, whatever their race, ethnicity, gender, background or nationality.

Asian Americans have faced a long history of discrimination and oppression in the United States. Although this country was founded on the rule of law, as opposed to the rule of men, reality often overshadowed this high ideal. Even as the founding fathers proclaimed that "all men are created equal," African Americans were treated as property, working as slaves on Southern plantations, and counted as only three-fifths of a person. And women did not have the right to vote until two decades into the 20th century.

Asian Americans also suffered from discriminatory treatment at the hands of the ruling majority. For example, the Chinese came to America in large numbers in the

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middle of the 19th century during the Gold Rush, and after helping to build the transcontinental railroad linking the eastern and western halves of the United States, Congress passed the Chinese Exclusion Act, shutting out an entire race of people and prohibiting their immigration to this land of opportunity. The Chinese Exclusion Act remained in force until the 1960s.

Japanese Americans, who had lived in the United States for generations, were stripped of their rights as citizens and interned during the Second World War in concentration camps. In the 1980s, a state court refused to punish the killers of a Chinese-American autoworker in Detroit named Vincent Chin. A federal civil rights case resulted in one conviction that was overturned on appeal and resulted in an acquittal after a retrial.

The discrimination, injustices and indignities suffered by Asian Americans at the hands of the

American legal system are not ancient history. In 2008, we learn that a judge in New Jersey Superior Court had uttered the phrase "no tickee no laundry" in open court. The current governor of New Jersey wisely withdrew the renomination application of this judge, but the fact remains: a sitting judge charged with the solemn duty of administering the rule of law revealed the enduring vitality of past bigotries and racial prejudices.

The rule of law demands that all those committed to maintaining and enhancing a system of self-government with a strong and accessible legal process must not only be men and women of the highest quality, integrity and moral character; they must fully reflect the diversity of our communities and respect the interests and needs of minorities and under-represented sectors of society.

In New York, the number of Asian American judges and attorneys is minuscule in comparison to the sizable Asian-American population. For Asian Americans to truly believe in the rule of law and to help attain the lofty ideals it embodies, the legal system, the legal profession and the legal process must be more open and accessible to everyone. We have come a long way, but our journey is far from over, our work far from done.

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