



Keynote Speaker Speech: California Supreme Court Justice Carlos Moreno

SPEECH

Delivered at the Watsonville Law Center's Annual Fields of Justice Event
October 30, 2007

Thank you for inviting me to speak to you today here in the artichoke capital of the world. I am greatly honored to participate in this annual Fields of Justice event. Groups like yours help to ensure access to justice for those who need it most, and I share your commitment to providing better access to justice.

Diversity in government and in the private sector is important. Our country and its legal system were founded on the idea that everyone, regardless of nationality or background, should have equal access to the many opportunities available in this country. We were once a country that welcomed people seeking refuge from political and economic hardship, and as the decades passed we became a beacon of freedom and prosperity. My own family is one that was able to realize its dreams of a better life in this country.

My mother and father were both immigrants to the United States. Unfortunately they did not live to see me become a lawyer, much less a judge. But in my mind I have tried to imagine what it must have been like when my mother and her family when they first came to the United States following the Mexican Revolution in the early part of the last century. They fled, in part, because my mother had four older brothers who were all of suitable age to be conscripted by the forces of Pancho Villa, and they fled because they sought a better, at least more peaceful, life in America.

I imagine an interview between my mother (then 16 years old) and an immigration official at Nogales, Arizona, an entry point for many Mexican immigrants coming from the Mexican state of Sonora back then. I imagine the official routinely asking her, as he no doubt asked thousands of others, "Where are you from?" when he processed her entry visa.

My mother, who was accompanied only by her own mother and little sister would have said, "I am from Guaymas Sonora México."

And the official questioned her: "Well, what do you do?"

And she answered: "Nothing now; I am going to meet my older brother, Jose, in Los Angeles.

Question: "Well, what does he do?"

Answer: "Nothing, not yet, he's looking for work."

Question: "What kind of work?"

Answer: "Any kind."

Question: "But what can he do?"



Keynote Speaker Speech: California Supreme Court Justice Carlos Moreno

Answer: “Well, he has no skill, he has little education, but he is strong and he can use his hands and will work all day and he will help my mother and little sister.”

Question: “well, does he have any friends?”

Answer: “Not Really.”

Question: “Any money?”

Answer: “Not a lot. Not yet.”

Question: “How about you?”

Answer: “Well we have very little and no friends, no money, just our family. My father just died in México.”

Question: “Well, with no friends, no money, no skills, no education, what do you expect from this country?”

Answer: “Not a lot, not a lot work. A place to sleep. A little bit of freedom. A chance to raise a family. And just one more thing, sir, before I die, I have a dream: I would like to see my son, if I have one, be a judge on the California Supreme Court.”

Imagine if you will, what kind of reception a dream like that might have received. And yet, it describes a story that has happened over and over and over in our country for those who dared to work towards their dreams to make them come true.

Recently, though, it is becoming more and more apparent that this story is not the dominant experience for immigrants to this country. The freedom and prosperity my family sought are not as easy to come by for many.

For about the past four or five years, or perhaps longer, our country has become increasingly polarized on a number of fronts- politically, economically and rhetorically. Whether generated by the war on terrorism or the war in Iraq, the contentiousness in Washington, or the incessant battles in the culture wars for the hearts and minds of America, it matters not. Increasingly, we are identified as either democrats or republicans; red states or blue states; pro-choice or pro-life; debating (arguing) the implications of stem cell research or positing theories of evolution or creationism; gays verses straights; and fundamentalists verses whoever else is out there. We have somehow come to see ourselves as a nation of opposites, contradictions, and vast disparities, rather than striving to be a fertile melting pot, in which viewpoints and backgrounds of all types are heartily welcomed. No one seems to listen to the other side, as facts are distorted Swift- boat style, and personal attacks seem to carry the day.

These same schisms are also apparent in other aspects of our society. They are reflected in dismal reports concerning health care in America, where a vast number of people, and particularly children, are not insured or are under-insured.



Keynote Speaker Speech: California Supreme Court Justice Carlos Moreno

Did you know that in the city of Berkeley (within a matter of miles between west Berkeley and the hills on the east) the disparity in life expectancy among males is an astounding 15 years?

In education, there are similar stories. In some of our large cities, such as Los Angeles, where I am from, but also in many of our smaller cities, our educational system is severely under-funded, teachers under-paid, and facilities are in disrepair and overcrowded. At my own public high school in Los Angeles, which I visited recently, I was informed that out of an entering freshman class of just under 1000, only 400 will ultimately graduate four years later. Meanwhile, those who can afford private schools are destined for success while only an elite few within our public schools can really count on a first rate education.

In terms of employment, we are increasingly becoming a bipolar workforce with vast numbers concentrated in service industries. The manufacturing industries which once provided a living wage for vast numbers of Americans are being depleted everyday as technology and outsourcing and lack of capital investment eliminate many of these jobs.

While we profess to be concerned about illegal immigration, we have been historically dependent on foreign labor, something we don't readily acknowledge, yet do nothing, absolutely nothing, about the thousands upon thousands of employers who ignore wage and hiring laws, and who, if caught, are fined with a slap on the hand.

Finally, the distribution of wealth in our country is increasingly skewed, the poor becoming poorer and greater in number, and the rich becoming richer, and also ironically, at the highest levels, greater in number. For the 500 largest U.S. companies the median pay package for chief executives was \$9.1 million in 2006. The average CEO pay in 2002 was more than 280 times the average wage for rank-and-file workers, while the ratio was 42-to-1 in 1982. I was stunned recently to learn that in my own city of Los Angeles there are over 30 billionaires, that's billionaires, in the region. And yet, it is a city with tremendous problems related to health, education and welfare.

These disparities are inevitable, but they are also distressing for how they make their way into our justice system. Our system is based on the idea that anyone can appear before a court of law and have his or her case impartially judged. Everyone should have access to the justice system, and have his or her problem resolved, without respect to class, gender, race, political leanings, and certainly without respect to income.

Yet the news over the past few years has demonstrated – highlighted, even – the many ways in which the disparity in our society is well integrated into our justice system. The conservative commentator Bill O'Reilly has stated, quite cynically, but perhaps not inaccurately, that "it is true that if you are poor and can't afford good lawyers, your odds of going to prison skyrocket. But you know what? Tough!"



Keynote Speaker Speech: California Supreme Court Justice Carlos Moreno

Another commentator has stated: “for the same criminal behavior, the poor are more likely to be arrested; if arrested they are more likely to be charged; if charged, more likely to be convicted, if convicted, more likely to be sentenced to prison; and if sentenced, more likely to be given longer prison terms than members of the middle and upper classes.”

Recent headlines have brought the issue of corporate governance to the public’s attention. Putting aside the high profile criminal cases of Scooter Libby and Michael Vick, we have also been witnesses to corporate America on trial. We have all seen and heard the many stories about once prominent companies that were mainstays of the economy and the business community, only to see them collapse, sometimes literally overnight, in a pile of scandal, self-dealing, and finger-pointing.

One would be hard pressed not to concede that the antiseptic and bloodless crimes committed by corporations and so-called white-collar defendants are just as heartless and despicable as those committed by their blue-collar kin. Certainly, white-collar crime destroys lives and families, businesses are plunged into bankruptcy, and untold human losses are suffered in the wake of aggravated pilfering of corporate accounts, price manipulation, bid-rigging, stealing from grandmas in California, backdating stock options and other forms of corporate mayhem.

These white-collar criminals are defended by some of the best and brightest criminal defense lawyers in the country, from the best law schools, former prosecutors, dream teams of lawyers and armies of investigators. In short, the best defense that money can buy, presenting defenses that go toe-to-toe, mano-a-mano, with the best that the FBI and the SEC have to offer.

The fact that white collar defendants have the most expensive lawyers forms a vivid counterpoint to the thankless, difficult work that groups like the Watsonville Law Center do for their communities. Your tireless work in providing access to the legal system for the under-powered is increasingly vital in maintaining the fairness of our system, keeping the scales of justice balanced, and righting the wrongs that seem to drive our national economy. I have no doubt that our justice system will survive, that our democracy will survive and that the American dream is still alive thanks to your hard work and sacrifices.

We who are judges must be committed to neutrality and impartiality. But we depend on lawyers who serve in the public interest to provide quality representation for the powerless, the disenfranchised, and to fight just as hard for those with no resources as for those who can pay fortunes. We all need to work together for a justice system that protects all of us – the poor as well as the wealthy, the weak and the strong, the healthy and sick – all of us, all of you, who make America great.