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Foreword

Richelle Joy Gernan

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Editor in Chief's Foreword

I started my tenure as Editor in Chief of *Hastings Constitutional Law Quarterly* Volume 48 in the midst of uprisings responding to the murders of George Floyd, Breonna Taylor, Ahmaud Arbery, Tony McDade, and countless others. A new civil rights movement is demanding justice that is not being provided by the courts, a gridlocked legislature, or an executive who has chosen to use his power to protect and support only a small portion of the country's citizens. As agents of the law it is our responsibility to be on the side of justice, to denounce any group or person that claims supremacy over others, and to reimagine our legal doctrines in a way that finally and actually serves the most marginalized and vulnerable in the United States.

The year 2020 has exposed deeply rooted racism and inequities in this country. It has forced us to face the effects of centuries of power imbalances that have left our democracy hanging on by a thread and produced the current constitutional crisis. We hope to touch on many of these topics in the coming issues of Volume 48.

This is a pivotal time in American history when white people are more willing to engage with the fact that a justice system that often benefits and privileges them is the same system under which Black and brown people have been targeted and persecuted; when people of color are, as they have for many generations before, standing firm against this system and not allowing for it to continue as it always has. We are at an opportune moment to think creatively about the Constitution and the definition of justice it is supposed to allow us to pursue.

As the first Pinay Editor in Chief of the *Quarterly*, it is an honor to lead the effort to call for much-needed constitutional change, particularly against the backdrop of the failings occurring in each branch of our government. This issue is dedicated to the efforts of the Black Lives Matter movement and its call for the end of systemic racism.

On behalf of the *Quarterly*, I laid out a promise to use this platform to highlight the voices of those who have been suppressed by State-sponsored violence.¹ It is with continued attention and work towards this promise that I present Issue 1 of Volume 48, "Black Lives Matter."

1. See Richelle Gernan, *Stance Against White Supremacy and Vision for Volume 48*, HASTINGS CONSTITUTIONAL LAW QUARTERLY (June 16, 2020), <https://www.hastingsconstitutionallawquarterly.org/news/2020/6/16/vision-for-volume-48-and-stance-against-white-supremacy-697n2>.

The issue begins with Mitchell Crusto's article, which argues that the United States Constitution mandates abolishing the police's use of lethal force. He introduces the George Floyd Anti-Lynching Code as a transformative intervention to address the reckless use of force by police that often goes unpunished in the current system.

Then Melissa Toback takes us through the discriminatory and counterproductive policy of driver's license suspensions for nonpayments that disproportionately affect Black people and other people of color across the country. Toback argues that not only is the driver's license suspensions for traffic debt policy unsound, it is also legally flawed. This is only one example of myriad policies which unduly target and harm Black and brown people in America.

T. Anansi Wilson gives us two pieces—*Furtive Blackness: On Blackness and Being* and *Strict Scrutiny*—that contend with how the law has been a tool of anti-blackness while centering the material reality of African descended peoples: being simultaneously outside of the protection of law while within its disciplinary reach. Wilson allows us to explore a new method of thinking about criminal law and constitutional law as it interacts with Black and BlaQueer (Black and LGBTQ) people and bodies.

This issue concludes with our own Senior Articles Editor, Sara Zeimer, whose note investigates the history of government-sponsored housing segregation and exclusionary zoning ordinances that have and continue to affect every aspect of life in California. Zeimer contends that these tactics were deliberate with the goal of guaranteeing white superiority and also shows us that if neighborhoods and school districts work together through the courts and local municipalities, there is a chance to guarantee a more equal and equitable society.

The work within this issue represents not just our illustrious writers but a Herculean effort by our staff. I want to share my deepest gratitude to all editors of the *Quarterly* for their unwavering dedication to making this Issue possible despite an ongoing global pandemic, ravaging wildfires, and an often deeply personal and affecting social movement. Your hard work does not go unseen or without vast unending appreciation.

Lastly, a word of thanks to you the reader for being willing to absorb, seek to understand, and thoughtfully consider the articles presented herein. We could not be happier to share Issue 1.

In Solidarity,



Richelle Joy Gernan
Editor in Chief, Volume 48
Hastings Constitutional Law Quarterly