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## Foreword

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### Editor in Chief's Foreword

I end my tenure as Editor in Chief of *Hastings Constitutional Law Quarterly* Volume 48 at a loss for words as racial violence continues in this country. Though anti-Asian violence is not new in America, and in fact has historically been fueled and supported by federal legislations, my community has recently been targeted as the recipient of escalating physical violence fueled by hate. The attack on a 65-year-old Filipina near Times Square, the Atlanta Spa Shootings, and Angelo Quinto's killing at the hands of the police in Antioch, California are just a few that made it on national headlines. The violence is no doubt connected to how the Trump Administration messaged COVID-19, calling it "China-virus" or "Kung-flu."

As an Asian American woman, I have accepted, though resented, that microaggressions are prevalent in my life and have shaped my relationship to the world. Fear for my physical safety and that of my mother, my sister, my grandmother, and other Asian Americans in the past has mainly remained in the back of my mind, usually only surfacing at night or when in unfamiliar places. Now, it is at the forefront as I walk the streets in broad daylight.

I started Volume 48 by acknowledging the role that law students have in being on the side of justice and reimagining legal doctrines to serve the most marginalized and vulnerable in the United States. This was in the context of the uprisings in response to recent deaths of Black comrades. Since then, our country continued to undergo a struggle for power that threatened our representational democracy. Throughout the Volume we explored many topics—systemic racism, structures of legal processes, and the disparate impact of COVID-19 on certain communities—with the lens of thinking creatively on how the Constitution deals with these injustices. It is with great honor that I present this last issue.

Issue 4 begins with an article on presidential impunity. Professor M. Akram Faizer explores the Department of Justice's failure to subject the Special Counsel regulations to notice and comment under The Administrative Procedure Act Section 553. Faizer argues this allowed former Attorney General Barr to mischaracterize the *Report on the Investigation into Russian Interference in the 2016 Presidential Election*. As a consequence, former President Trump was able to delegitimize the first

impeachment proceedings which resulted in his first partisan acquittal by the Senate. Thus, the article recommends submitting the Special Counsel regulations for notice and comment review to solicit feedback as to how it can be more consistent with the president's powers under Article II of the U.S. Constitution.

Then, Derek Warden takes us through the three Equal Protection Clauses of the Louisiana Constitution. Warden argues that these provisions, based on statements made during the Louisiana Constitutional Convention and other arguments, prohibit various forms of disability discrimination. Warden demonstrates how the Louisiana Constitution's Equal Protection Clauses go further than the U.S. Constitution in protecting individual rights and how the accepted broad reading of their state constitution has allowed for a heightened protection for people with disabilities.

This issue concludes with a note by our own Executive Articles Editor, Brynna Bolt, who explores the similarities and differences in the impeachment processes of former U.S. President Trump and Haitian President Moïse, both of whom were not successfully removed from their offices despite credible accusations of corruption. Bolt focuses on ways in which Haitian lawmakers might improve the country's impeachment processes to remove corrupt presidents and to hold the government accountable to the will of the Haitian people. Bolt draws from other recently formed democracies to make recommendations on bettering the impeachment processes.

I am deeply grateful for the *Quarterly* editors and I am proud of the work we accomplished together making Volume 48 intersectional, interdisciplinary, and a platform for issues impacting marginalized communities.

It is with hope and dedication to working towards a more just future that I conclude my tenure and pass on the torch of Editor in Chief to Meron Wendwesen. I trust that she will successfully lead the *Quarterly* and further advance its mission. I believe in her vision for the *Quarterly* as a force for advancing transformative thought and dismantling mechanisms that violate our fundamental constitutional rights.

Sincerely,

Richelle Joy Gernan  
Editor in Chief, Volume 48  
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