

INAUGURAL LOYOLA LAW SCHOOL SOCIAL JUSTICE LECTURE (TRANSCRIPT)

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When I started law school, I was told I would be taught “to think like a lawyer.” I thought thinking like a lawyer meant I would be able to use laws to challenge barriers to a just world.

It turned out that—at least it felt this way at the time—very little about law school seemed to be about that at all. I felt increasingly alienated as I came to realize that “thinking like a lawyer” meant suppressing and rejecting not just much of what was important to me, but much of who I was. “Thinking like a lawyer,” it appeared, meant that I would have to think less and less like a human being.

Though I did not know any lawyers and knew little about the law when I got to law school, I did know how to be a translator. Like so many children of immigrants, I grew up translating for my parents: making phone calls, writing letters, and trying to navigate the adult world and adult interactions. I pursued law school because I grew increasingly aware that law is really a language—and those who speak it get to decide who gets what in our society: who gets protected and who does not; who is a citizen and who is not; who can get married and who cannot; who pays to keep our economy going and who does not. Growing up, I had seen how language serves to keep certain people at the margins of society; the law is similar. I

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went to law school to gain the tools to become a translator of the law for people who were disenfranchised, discriminated against, and exploited.

Right after law school, I began my legal career at the Asian Pacific American Legal Center with a fellowship from the Skadden Fellowship Foundation. I applied for the fellowship even though I was convinced that I would never get it. I say this now because it is a recurring theme in my work, and I believe, a guiding principle for all social justice advocates: we often are pushed, and have to push ourselves, to try, even when we think we will not win.

One of my very first cases was representing a group of Asian American students and organizers who were picketing in Beverly Hills against dressmaker Jessica McClintock for using sweatshops. Chinese garment workers in Oakland, California, had sewn McClintock dresses at a contractor facility, which had closed down, leaving the workers without pay. The Asian Immigrant Women Advocates (AIWA), a dynamic non-profit organization with the mission of empowering Asian immigrant women, worked closely with the workers and demanded that Jessica McClintock make good on the workers' wages. The company refused. AIWA and the workers launched a nationwide boycott of Jessica McClintock. The Koreatown Immigrant Workers Alliance (KIWA), then a new worker center based in Koreatown that would grow to become a model for cross-racial, creative, effective community organizing and a lead organization in Los Angeles, spearheaded the Los Angeles arm of the McClintock boycott. By reaching out to college students and local activists, KIWA successfully marshaled a consistent presence outside of Jessica McClintock's boutique shop at one of the ritziest symbols of Beverly Hills elegance in the country: the corner of Wilshire Boulevard and Rodeo Drive.

Each week, KIWA and college students, in jeans and t-shirts, holding picket signs, marched and chanted on the sidewalk outside the Via Rodeo shopping center, passing out leaflets to shoppers and tourists about sweatshop conditions in California and the need for corporate accountability. My favorite protest chant was, "Your dresses, they're pink; your wages, they stink." McClintock hired a big law firm to get an injunction to end the protests. Freshly

idealistic and ready for battle, I was convinced that we would get that lawsuit thrown out in a heartbeat. I wrote a brief full of grand references to the First Amendment. I assured the students that, even though the other side had all the financial resources, we had something far more valuable – the Constitution. KIWA organizer Paul Lee and I made countless drives out to UCLA to meet with the students to discuss the lawsuit and its impact. We talked about the allegations against the protesters. I shared my own stories and my experience as an activist who had seen institutions and corporations crack down with incredible force on protest—force that often ended up heightening support for and interest in the position of those who refused to be silent. As a new attorney, I was struck at how the very use of the legal system had an intimidating effect. But I also learned that having someone there to explain the lawsuit and the law, and willing to engage about it not just in legal terms but also in its political and historical context, made a difference. And it mattered to the protesters that someone was willing to fight for them.

We did not get the lawsuit thrown out, but KIWA and the students also refused to let it silence them. The Superior Court issued a partial injunction based on allegations that the protesters blocked doors and created safety hazards. The injunction limited the number of protesters who could be within a certain distance of the Jessica McClintock entrance. We used the injunction and the filing of the lawsuit to galvanize more support. I went to the corner with a tape measure and measured out exactly what was permitted within which areas and drew a diagram for my clients. At the very first action following the Court's injunction, the number of protesters doubled. While the injunction moved many of them further from the store entrance, KIWA used it to strengthen their conviction and amplify their voices. It was, for me, a powerful lesson in the power and the limits of the law, and about the interaction between what happens in the courtroom and what happens on the street. I am forever grateful to the organizers, activists, and students in “the JM campaign” who brought me in and allowed me to experience the exhilaration of working closely with community members to fight, as partners, for something we all believed in.

I spent my first few years as a lawyer representing low-wage workers in different industries in claims for back wages. These were workers who did exhausting, sometimes backbreaking work, and did not receive the minimum wage or overtime for all the hours they put in. When they fought back, they risked being labeled troublemakers. In representing them, some of the work was mundane and frustrating, including calculating wages owed, when the hourly rate itself was difficult to deduce, and helping to recall a work history dating back years in which the failure to note a week missed for illness, or a rare holiday, would undermine the worker's credibility. Some of it was challenging, including helping workers to tell their stories, to prepare their testimony, and then having to interpret for them if an interpreter was not available for the hearing. Sometimes I felt terrifyingly in over my head, making court appearances while wondering if I was even standing on the right side of the courtroom and trying to cross examine witnesses and employers on the fly. I found myself meticulously preparing closing arguments that I then had to revise based on evidence that did not come out the way I had hoped or the other side coming up with something I had not anticipated. There were settlements and there were victories, made all the sweeter by the fantastic sense that we had triumphed not only in the case, but by having made the legal system itself more just. But there was also the constant sense that in the individual victories we were still leaving unchanged the deep structural forces that give rise to and facilitate worker exploitation. It was clear from my interaction with workers that it was not just back wages they wanted to win; it was the assurance that hard, honest work would lead to security, respect, opportunity, and a greater sense of control over the circumstances of their lives.

In August 1995, less than a year after I became a lawyer, seventy two garment workers from Thailand were discovered to be sewing clothes behind barbed wire and under armed guard in an apartment complex in El Monte, California. They worked seven days a week, eighteen hours a day, for many of the nation's top manufacturers and retailers. Their story shocked the world.

We at APALC represented these workers in a civil suit against the manufacturers and retailers. Over \$30 billion of California-made

clothes are sold a year, but the companies who profit from such sales have long evaded responsibility for the conditions in which their clothes are made by contracting out the sewing of their clothes and then insisting that they have no knowledge of what happens in those factories. Our case directly challenged the corporate “see-no-evil-hear-no-evil” defense of sweatshops.

When we started the case, people told us not to do it. Many said it was impossible to win. In the end, after four years of litigation, we settled against over a dozen defendants and won over \$4 million. Until this case, this kind of victory was unheard of in the garment industry. Time and again, throughout the case, I pushed myself even when I thought I could not do it, and we took on countless battles that the workers and I believed we would not win. I recall vividly my answer when one of the workers asked me, about a year into the case, “What are the chances that we can win?”

“I don’t know,” I said. “And I won’t lie to you. It is not going to be easy. But if someone had asked you when you were a young child and poor in rural Thailand, looking for a way to support yourself and your family, what the chances were that you would be working in America one day, you would have thought it impossible. And when you got here and were locked up inside that apartment complex, if someone had asked you, what are the chances you would be free one day, you might have thought it impossible. And when you were in INS detention wearing prison clothes and awaiting deportation, if someone had asked you, what are the chances you would get to stay in the U.S. and get a shot at your piece of the American Dream, you probably would have said it would be impossible. So you have lived your lives defying the odds and attempting the impossible, and I’m here to try once more with you.”

What I have learned from my work as a social justice advocate is that what we have to do—what we get to do—is fight against the odds and dream about what might be possible.

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I feel enormously fortunate to do this work. You often hear social justice or public interest work described as “sacrifice,” but for me, this emphasizes a level of self-denial or suffering that I reject. In law schools, there is often a bizarre hierarchy in which the pursuit of

public interest is relegated to a type of second tier status. Students committed to public interest careers have often described being treated like they were not “smart enough” or “good enough” for the competitive top jobs. Of course, there is no denying that you do not get paid the way your private firm classmates do, not even close. And the hours can be just as long, the work more challenging, the surroundings less glamorous, the highs higher but the lows much, much lower, and the stress—particularly when you care so deeply about the people and the outcomes—at times will seem unbearable. But in my experience, these very factors require social justice and public interest lawyers to be the most creative, resilient, thorough, dynamic, smart, analytical, and self-motivated lawyers out there. We identify, study, investigate, and expose social, economic, racial, and other inequities and apply our knowledge, skills, education, and talent to try to alleviate them. We respond to people in desperate situations and try our best to provide comfort, support, and options. We look to the law not only to describe what our rules, our relationships, and our society are, but also for its vision of what they could be, and in our work, we shape, refine, and expand that vision.

For me, the deep and lasting relationships that I have gained with workers through our struggling together, sometimes even when things looked hopeless, are irreplaceable. I am their translator, but they are also mine. They have taught me that it is not only the people who must learn about the law, but the legal system that must change to understand and be accessible to the people; that the most powerful advocates are not necessarily lawyers, the well-educated, or even the English-speaking; they are the people who speak with their hearts and dare to dream big, even when everyone else is saying, “You have no shot. Nothing will change. Give up.”

People like Suchadal, who grew up in a southern province of Thailand, and who, at the age of nine, had to stop going to school because her family was too poor and needed her to work. After coming to the U.S. at the age of 28, Suchadal endured horrific working conditions and then became a leader in the anti-sweatshop movement. After we won back wages in her case, she used the money to build a home for her family in Thailand.

And people like Maria, the daughter of garment workers from Mexico, who rode the bus three hours a day between school and their studio apartment in downtown L.A. and became the first person in her family to attend college. We met when Maria was only eight, and throughout high school, Maria said, “I want to be a lawyer because lawyers help people fight.”

And like Sentayehu, an immigrant from Ethiopia who was fired from his job driving for Yellow Cab after speaking out and criticizing the company and the City of Los Angeles for worker abuse, and continued to organize and lead taxi workers to build the Los Angeles Taxi Workers Alliance.

I think that somewhere in my heart, I feel that I owe it to Suchadal to make the world a more just place because I got the education she wanted. And I owe it to Maria and Sentayehu to keep on fighting because they have to.

But the people I have represented and worked with over the last decade not only inspire me to be a better lawyer, they make me a better human being. In the course of our cases, they become eloquent spokespersons, telling their stories to the Spanish media, in Asian language newspapers, on national radio, and of course, in court. I have learned that the legal analysis it takes to come up with creative theories on behalf of those whom laws have all but forgotten, is far more difficult than to merely apply existing law to well-to-do clients. And while I have been accused of being too emotional in my work—which some view as a sign of weakness—the workers look at it as a sign of my strength: because the fact that I believe deeply and passionately in what we are fighting for is sometimes the only, and best, reason to keep on going.

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There are so many inequities in our society, so much suffering, and so many limitations to what the law can accomplish. But for me, the practice of social justice law allows me to merge the idealism I started law school with and practical, achievable goals in the onward march toward a more just world. Through the practice of social justice law, the feelings in my heart and the tensions in my gut, find their way into my legal analyses and into my personal relationships.

If this is what you hoped for when you came to law school, let me reassure you that it is possible to do work that fulfills and moves you.

I just want to make one last point, which is that when you do social justice work, you will interact with, learn from, be challenged by, grow and laugh with, and ultimately befriend the coolest people. The network of social justice lawyers, activists, and organizers is made up of amazing, creative, brilliant, passionate, diverse, and just plain fun people and I am privileged to be a part of that circle. I cherish those bonds. They make me a better lawyer, but also a better, more whole person. And so I want to close by saying that social justice advocacy is not only about how we think about the law, it is for me very much about how we think about ourselves. It is about building the kind of community we want to live in.

We do not always win, but it is the will to fight against injustice, poverty, racism, exploitation, and inequality, even when it does not look like we could ever win, that matters. It is in that fight that we decide who we are and who we want to be and who our friends are. It's about the people with whom we will share our world. It is through these struggles that social justice lawyers continue to reimagine our collective sense of what is possible in the world.