

YOUNG LAWYERS

Eric M. Hayhurst

Chairperson
Young Lawyer Section
The West Virginia State Bar



RACIAL INEQUALITY AND INJUSTICE: A CALL TO ACTION

“Injustice anywhere is a threat to justice everywhere.”

—Martin Luther King, Jr.

The recent tragedies, indeed, injustices involving George Floyd, Breonna Taylor and Ahmaud Arbery have reignited the flames of racial injustice in America. Since the days of our founding, America has struggled with racial inequality and injustice — from the displacement of Native Americans, to slavery, to segregation and the Jim Crow era, to Japanese internment camps. Unfortunately, these episodes have occupied more of our history than not. After all, slavery in America did not officially end until 1865, a mere 155 years ago.¹ It began around 1619.² Following the end of slavery, the Jim Crow era endured until the late 1960s.³ In recent decades, the flames of racial inequality and injustice have been temporarily reduced to embers as

society moved along, but they have never been fully extinguished.

In 2008, America elected its first Black president, and re-elected him in 2012. With that, many believed we had turned a corner. Make no mistake, electing Barack Obama moved us forward in many ways, but it did not cure our ills. Rather, even as President Obama was serving as the leader of the “free world,” America endured other racially charged incidents, including the police killings of Michael Brown, Eric Garner, Alton Sterling and Philando Castile, among others.

The cold, hard truth, unfortunately, is that racial inequality and injustice in America is institutionalized and systemic throughout our government and other areas of our society. Much of the focus,

and rightly so, has been on police brutality against Black men and women, but racial inequality and injustice runs much deeper. It is present in education, our health-care system, social and government programs and jobs and economic opportunity. It is important to understand that for many Black Americans, their families have only been “free” to receive an education or generate income and wealth for 155 years, or about five generations, when most of the rest of our ancestors never had such restrictions placed on them. Today, the median Black American family owns less than 10% of the wealth that the median White American family owns. The enormity of these societal and economic deficits cast upon the Black community, inextricably

linked to their historical treatment in America, cannot be understated.

I am, however, uniquely unqualified to opine on these issues. I am a white male, who grew up in a community that was 100% white. I was not exposed to different races or cultures until I went to college. My only experiences with different races or cultures prior to that were what I saw on television (the internet was very new back then). More importantly, I was never introduced to the plight many Black Americans experience in their daily lives due to deeply rooted racial bias, discrimination or pure unabashed racism.

To be sure, I have never experienced discrimination or prejudice because of my skin color, whether it be in a job interview, in the application for a loan or a government program or in the retaining of my services as a lawyer. I have never experienced the fear of authority because of who I am or what I look like. I have no idea what it feels like to see a statue in the courthouse square of, or my school named after, a person who dedicated their life to, indeed risked their life, fighting for the enslavement of my ancestors.

Rather, I am blessed with the privilege of not having any of that weigh on my mind or heart, or shaping the way I live my day-to-day life. I likely will never be denied a job, client or loan because of my racial heritage. Nor will I ever have to explain to the children I hope to one day have that there are people and institutions who will treat them differently because of their skin color and that they must be constantly on guard because of it. That is the privilege I so unadornedly do not deserve, just because I happen to have been born white.

Because of this, I cannot begin to know the plight of Black Americans. And so, I have committed myself to listen — to listen to those who do not enjoy the same privilege that I do; to hear their grievances and concerns; and to do my best to empathize and understand. Beyond that, I have committed my personal and professional life, in the ways that I can, to help right the sins of our

past and help pave the way to reaching the goals of racial equality and justice in America. These are the, not goals, but rights espoused in our Declaration of Independence — that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. These rights should and must be available and guaranteed to people of all colors and races.

The West Virginia State Bar issued a Statement on Social Justice; I encourage each of you to read it. It reminds us that, as lawyers, we swear an oath to support the Constitutions of the United States and the State of West Virginia. Ethically, we have a special responsibility for the quality of justice in our society. And as citizens, we are supposed to seek improvement of the law, access to the legal system, the administration of justice and the quality of legal service.

Inherent — some may say explicit — in our responsibility as lawyers is the promotion and fight for justice for all, including all races alike. I opened this article with a quote from the Rev. Dr. Martin Luther King Jr. to illustrate this principle. We cannot, for the good of our Nation, for the good of justice and for the good of our profession, allow injustices like those that occurred to Mr. Floyd, Ms. Taylor and Mr. Arbery to stand. We must go beyond that, however, and fight to cure the systemic and institutionalized racism that allows such things to occur in the first place. That is our duty and our responsibility as attorneys, counselors and officers of the Court. I challenge all of you to meet this duty and to continue the pursuit of equality and justice for all. **WVWL**

Endnotes

1. <https://www.history.com/topics/black-history/slavery#:~:text=The%2013th%20Amendment%2C%20adopted%20on,awaited%20during%20the%20Reconstruction%20period.>
2. [https://www.history.com/topics/early-20th-century-us/jim-crow-laws.](https://www.history.com/topics/early-20th-century-us/jim-crow-laws)
3. [https://www.clevelandfed.org/newsroom-and-events/publications/economic-commentary/2019-economic-commentaries/ec-201903-what-is-behind-the-persistence-of-the-racial-wealth-gap.aspx.](https://www.clevelandfed.org/newsroom-and-events/publications/economic-commentary/2019-economic-commentaries/ec-201903-what-is-behind-the-persistence-of-the-racial-wealth-gap.aspx)