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## Foreword

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## Editor in Chief's Foreword

On behalf of the *Hastings Constitutional Law Quarterly*, I am proud to introduce Issue 1 of Volume 47, "Silencing the Noise and Voicing Reform." The noise referenced here is the absurdity that emanates from President Donald Trump's "twitter fingers," which have hazardously amplified a threat to American democracy. Most notably, this noise augments the danger of white supremacy's attempt to silence the rights of historically marginalized groups including (but not limited to): women, people of color, immigrants, LGBTQIA, the incarcerated, and low-income communities.<sup>1</sup> To address the countless constitutional concerns raised by the Trump administration's racket, civil rights lawyers and constitutional lawyers have directly disrupted this clatter via litigation in federal courts. This is a pivotal time in American history to protect and advance constitutional amendments required for a document that was not written with any of the aforementioned communities in mind, but that remains the legal framework of this country.

As the first Latina Editor-in-Chief of the *Quarterly*, it has been an honor to work with authors who call for much-needed reform in both the legislative and judicial branches, with a keen sight on the rampage occurring in the executive branch. This Issue addresses some of the many contemporary challenges my generation faces, and provides timely resolutions that require attention and action.

The Issue begins with scholars Budd N. Shenkin and David I. Levine, who review the power of the presidential pardon in response to President Trump entertaining the idea of his ability to pardon himself. This is especially timely because, as these pages are printed, the United States House of Representatives has launched an impeachment inquiry into President Trump. Then, federal law clerk Matthew M. Ryan provides an examination of the constitutionality of surging "release laws," which he attributes to when then-

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1. Devan Cole, *Trump Tweets Racist Attacks at Progressive Democratic Congresswomen*, CNN POLITICS (July 14, 2019), <https://www.cnn.com/2019/07/14/politics/donald-trump-tweets-democratic-congresswomen-race-nationalities/index.html> (discussing President Trump's tweets which "demean[ed] female members of the House of Representatives based on the color of [their] skin and their cultural heritage" and suggested that "they go back and help fix the totally broken and crime infested places from which they came" (quoting President Donald Trump's tweets)).

presidential candidate, Donald Trump, refused to publicly release his tax returns in 2016. Ryan's article is relevant to lawsuits that have emerged in response to a recently enacted California release law as well as other surrounding states. Federal Public Defender Sergio Garcia, follows with a scorching analysis of President Donald Trump's *outrageous government conduct* in violating the constitutional rights of migrant, refuge-seeking families, who the Trump administration separates, prosecutes, and deports under its "Zero Tolerance Policy." Finally, legal scholar Vincent J. Samar posits a novel approach to constitutional interpretation, one that has been considered in some legal opinions but never formally adopted: a theory of constitutional interpretation that affirms human rights and dignity. Though the Supreme Court of the United States has been reshaped during the current presidential administration, Samar provides a necessary tool for the judiciary during these trying times.

The Issue concludes with two well-timed student notes. The first, which I authored, is an interdisciplinary legal analysis of federal courts' contradictory constitutional protections afforded to children based on their citizenship status. I argue that the failure to provide indigent immigrant children with the right to legal counsel who must navigate removal proceedings alone, not only violates their due process rights, but constitutes cruel and unusual punishment. Finally, Senior Productions Editor for the *Quarterly* Colin Schoell, reviews the political speech granted to corporations which, he argues, results in corporations' prominent influence over the federal government and resultingly silences the voice of individual persons. He, like other authors in this Issue, voices the urgent need for new constitutional amendments, legislative action, and clarifying judicial opinions.

Lastly, I am grateful for all editors of the *Quarterly* for their efforts in making this Issue possible. Your hard work does not go unnoticed.

Respectfully,  
Wendy Melissa Hernandez  
Editor in Chief, Volume 47  
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