Civility, Respect, and Life Experience: A Latino Perspective from the Bench

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Hon. Valeriano Saucedo†

Good afternoon. I have been truly inspired by what I've seen the last two days. I have talked to many of you individually, and I am truly inspired. You give me great hope that we can overcome a lot of the problems and issues that we currently face.

I was inspired by the elders who told us stories about how they made it through school, and the kinds of things that they encountered, and I have been inspired by the law students who are here. I have been inspired by their dreams, their hopes, and their aspirations. For those of us who have been in the field for a while, sometimes we see that no one is there, that no one is coming behind us, and it makes us very nervous. When I come to a gathering like this, and I look over my shoulder and I see wonderful, radiant law students, I am inspired because I have great hope that someday you will occupy the positions that we occupy now.

When I was in law school, we used to talk about how the impact of affirmative action would not be felt until we reached our forties and our fifties, because by that time we would have acquired positions of power. I think that we are starting to feel that impact now, but that is not enough.

Today I want to talk about the voice that I bring to the judiciary. I don't think that I can really talk about that voice without sharing with you some life experiences, because that is one of the things that we bring to the bench — our own personal life experiences that clearly have shaped us. For those of you who are from Texas, and I understand there are a number of you who are from Texas, I was born in Screw, Texas. All right, I cheated a little bit. I translated for those of you who are not bilingual — I was born in Tornillo. At that time, we did not understand why our classrooms were labeled 3A, B, C, and D. We were living in a segregated society, and we had a feeling for that, but yet didn’t truly understand it. I can remember sitting in those classrooms, and they were definitely color-based. The kids who were lighter skinned were in the A’s, and the kids who were darker skinned, like I am, were in the D’s. We didn’t understand what that was all about, but finally I figured it out when I got to be older — I want you all to know that I’m not Hispanic. I looked at my birth certificate, and my birth certificate said that I was white. In the 1950s in Texas, there were basically two races: white and black. When you were born in Texas, and you were Hispanic, they would write white as your race. We didn’t know that was how desegregation was achieved after Brown v. Board: they brought the black kids to the Hispanic schools and they called that desegregation.

† Hon. Valeriano Saucedo, Tulare County Superior Court, has been a partner with the law firm of Miner, Barnhill & Galland since 1993, where he specializes in the litigation of employment cases. Before entering private practice, he was the statewide director for California Rural Legal Assistance from 1985 to 1993. Judge Saucedo was first elected to the Lindsay City Council in 1990 and became mayor in 1992. Through his leadership, the City established an enterprise zone, cut red tape, attracted business, and created 1,500 new jobs.
That was a historical moment. I went to law school for only one reason, and that was that I wanted to represent people like me. I wanted to represent farmworkers; I wanted to represent women in the workplace, and that is what I did. I spent my entire career as a lawyer representing people in those categories, and I did that proudly. I worked for Legal Services, I worked for a firm that permitted me to litigate on behalf of farmworkers and women, and we were very effective. One of the last lawsuits that I filed was against the Republic of Mexico, the United States, and Wells Fargo, seeking reparations for the braceros of the 1940s, where ten percent of their wages were withheld but were never paid back. These were agricultural braceros and railroad braceros, people who provided a great deal of support to the United States during World War II, but were never paid their money. That lawsuit is still pending.

When I was growing up, I wanted to be a citizen. All I wanted to do was to be a citizen. For me, being a citizen meant acquiring ownership of all those things that were important to us—our neighborhoods, our streets, our city councils, our school boards. Essentially what I did as a lawyer was to try to acquire those rights. I believe that owning those rights is being a citizen in the truest sense of the word.

Those are the experiences that I bring to the bench. I should tell you that the vast majority of the people who appear in my courtroom are Hispanic, and so I understand their particular experiences. That does not mean that I apply a different standard of justice, because that is wrong. Nevertheless, I know that I bring a particular sensitivity to those issues. I'll give you an example of that. Perhaps it is my own projecting, but I really do believe that the Hispanic litigants, the defendants who appear before me, understand that they are there charged as criminal defendants. However, they get the sense that I will hear their cases a little bit differently, that I will understand the things they say a little bit differently. One example of that is I had a Hispanic defendant that I released because I believed him. The same day that he was released, he got out of jail and came directly to court to tell me that he was doing everything that I had asked him to do. I thought that was very unusual, because I don't often get that. To him, it was a matter of respect. I really do believe that I had treated him with respect, and he wanted to extend the same sort of courtesy and respect to me as a Hispanic judge, because I think there was a different level of understanding.

During the time that I was applying to be appointed to the bench, I was asked whether I would be able to sit in judgment of Hispanics. I said, "Without a doubt." I wonder if others who are not the same color as I am are asked the same question, whether they are able to sit in judgment of people who look like them. I think that is the kind of standard we face.

Let me also tell you a little bit about the application process, because I think it is relevant to some of the things we were talking about earlier. The stories that people told earlier were about how many times they had been told they could not do certain kinds of things. When I first considered applying, I called a friend of mine—someone allegedly "in the know." I asked him, "What's your sense? What do you think my chances are of being appointed?" My friend said, "It's really easy. Get on the Internet, look at the profiles of the persons that are being appointed, and then ask
yourself the question, ‘Do I meet that profile?’” Then he said, “Before you spend a lot of time, a lot of effort, a lot of money, let me answer that question for you: ‘You don’t.’” So I thought about it for a while, and I said to myself, “But isn’t that what we’ve always heard our entire lives? ‘You’re not good enough to go to college.’ ‘You’re not good enough to go to law school.’ ‘You’re not good enough to apply.’” And so I disregarded the advice, and here I am.

Back to the voices that I hear in my courtroom, because I think that it is very important for all of us who are in these positions to also mentor. With me I brought two students from the College of the Sequoias, where I participate in mentoring. I have James and Juan with me. However, the mentoring process extends beyond that. I see lawyers in my courtroom, both Hispanic lawyers and non-Hispanic lawyers, and I think that one of my responsibilities is to mentor them as well. The reason being is that I love the law. I have this extreme love for the law, and I think part of my role, part of my voice, if you will, in the judiciary is to mentor younger lawyers (and older ones). I think we have a lot to teach each other, so I try to mentor in my own courtroom.

I have certain principles that I apply, and again this is based on my experiences. One of them is that civility is not a sign of weakness or of a lack of resolve. Litigation, as you know, sometimes is very antagonistic, and I really do believe that people can be civil in the courtroom and resolve their differences. Even though I treat everyone with respect, and I am very polite, that does not mean that I lack resolve or that I am weak. Benito Juírez said, “El respeto al derecho ajeno es la paz.” I think that is a very good principle that we must all remember. That is one of the voices that I bring to the courtroom.

Let me conclude by sharing two other principles that I think are very important. The power to define is the power to control. Let me say that again. The power to define is the power to control. If we define ourselves as powerless, if we define ourselves as unable to do things, then that is what we will be. But if we define ourselves as successful people, as people with vision, people with hope, then that is who we shall be.

The last principle has to do with being an involved and knowledgeable citizen. When I first took office, I read many materials about being a judge. I learned that one of the biggest problems judges face is isolation. Many times judges feel they cannot talk to anyone about the kinds of things that are going on. I have tried to address isolation by continuing to be involved in the things I have been doing all my life – demonstrating my love and my concern for my community. Every Sunday I teach a citizenship class to immigrants, and I am inspired by their dreams. To all of the people who decide to bash immigrants, I say, “Teach a citizenship class, and listen to their hopes, listen to their dreams, and you will understand that immigrants have a lot to contribute to our society.”

Let me conclude with just one last note. I am inspired by all of the things that I have heard here, and I offer my voice to be heard in the judiciary. I want to be part of the movement to increase the number of Hispanics in the judiciary, and to contribute to the Hispanic voice that we are establishing. Thank you.