

Column: Rule of law enables pursuit of the ‘American dream’

By Sabrina S. McKenna



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Every year on May 1 we celebrate Law Day and the importance of the rule of law in protecting the shared values and fundamental rights enshrined in the United States and Hawaii Constitutions. This year’s theme, “The Rule of Law and the American dream,” is an opportunity to reflect on the promise of the “American dream,” and how we can safeguard it for generations to come.

The rule of law is the foundation of our democracy. As explained by the World Justice Project, it is a durable system of laws, institutions, norms and community commitment that delivers four universal principles: accountability, just law, open government, and accessible and impartial justice. These universal principles require that the law be clear and preserve rights guaranteed under the Constitution, that everyone be able to access the courts, and that justice be delivered by independent judges who reflect the makeup of the communities they serve.

The rule of law demands that all people, regardless of their background or status, be treated equally under the law. To fulfill that promise, our justice system not only requires an independent judiciary and the zealous advocacy of attorneys — it also requires impartial members of the community to serve as jurors.

With origins in English common law, the right to trial by a jury of one's peers is a pillar of the American legal system. One of the most important actions that a person can take to protect the rule of law is to serve on a jury.

Jurors are the cornerstone of our justice system. As important government decision-makers, they are tasked with carefully reviewing the evidence presented. Jurors must determine the truth then apply the law to the facts to reach a verdict. They exercise the judgment of ordinary citizens and bolster public trust in the outcomes of cases. Having presided over more than 150 jury trials over the years, I saw firsthand how indispensable jurors are to the fair administration of justice. I am deeply grateful for their selfless service.

Only when our justice system is vibrant, and we are all invested in upholding the rule of law, do we have the freedom and equal opportunity to pursue our American dream.

Like many women, the pathway to my dream was made possible through Title IX. Spearheaded by Hawaii's U.S. Rep. Patsy T. Mink and passed by Congress in 1972, Title IX prohibits discrimination on the basis of sex by schools receiving federal funds. Its passage leveled the playing field and created equal educational opportunities, and established women's athletics programs across the country, including here at home.

As a result, I was able to attend the University of Hawaii at Manoa on a scholarship as a member of its Wahine basketball team. Then, while only 7% of 1972 U.S. law school graduates were women, Title IX further changed the trajectory of my life by allowing me to be admitted to law school without regard to my sex.

Although the American dream may be different for each of us, we all have a collective responsibility to protect the promise of equal justice under the law. Now, more than ever, we must come together to keep the dream alive.

That's why I'm proud that tomorrow, on Law Day, many in our Hawaii legal community, in five courthouses across the state, will be standing alongside colleagues nationwide in a Law Day initiative known as "Stand Up for the Rule of Law." Together, we will reaffirm our oath as attorneys to defend the Constitution, ensure access to justice, and protect the integrity of the justice system. Let's together continue to stand up for the rule of law.

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