

possesses a keen legal mind and a passion for teaching. He has taught many classes ranging from Medieval European History to Duty and Fairness in Corporate Law at many esteemed schools, including Yale University, the University of Michigan, and Rutgers-Camden Law. This spring, he was selected by this year's Rutgers-Camden graduating class as the 2011 "Professor of the Year." As part of this honor, Professor Beckerman delivered the Class Day Speech to the Rutgers School of Law-Camden class of 2011 on May 18, 2011. It is my privilege to read his remarks into the RECORD:

Honored Guests, Dear Friends, There are a lot of lawyers in our country—something approaching one million two hundred thousand—and despite all who leave the profession every year, loud voices constantly tell us that there are too many lawyers, too much law, too much regulation; that we need fewer lawyers, less law, and especially less regulation.

Not everyone in the audience will agree with me, and that's fine, but I have a different message for you. Quite apart from the ongoing debate about the proper size and scope of government, never have we needed capable and courageous lawyers more than we need you now. Never has our society needed your knowledge; your skills; your policy expertise; your problem solving ability; your good judgment; your sensitivity to the plight of ordinary people, to say nothing of the poor, disadvantaged and oppressed, more than we need it today.

History shows that lawyers and legal doctrine always have served those of wealth and privilege. It is no coincidence that property law in Anglo-American jurisprudence largely developed in its main outlines before the laws of crime, torts, and contract. Because wealthy and powerful persons and entities can better afford lawyers than can the rest of us, they not only hire lawyers more easily, but also elect legislators, influence who become judges, and exert disproportionate influence on both the law enacted by legislatures and doctrine declared by courts.

What difference does this make today? The past thirty years have seen the greatest concentration of wealth upwards ever in the history of our republic. The effects of these economic changes on the law and politics are not surprising, but are cause for enormous concern. As Jay Feinman has demonstrated (*UN-MAKING LAW: THE CONSERVATIVE CAMPAIGN TO ROLL BACK THE COMMON LAW*, Boston, 2004), there has been a movement in legislatures and courts to reduce the legal protections available to ordinary people and to increase the legal benefits our government gives to corporations and individuals of wealth and power.

It's no secret that the General Electric Company paid no federal income taxes in 2010 despite making more than \$5 billion in profits, that the government gives \$4 billion of tax subsidies every year to the oil industry despite the huge profits they are making as gas prices top \$4 per gallon, and that billionaires who have died since the beginning of 2010 paid no federal estate taxes. You don't need me to tell you what's wrong with this picture. We need lawyers and legislators with vision and courage to correct these distributional inequities currently enshrined in law.

Consistent with the trend of reducing protections for ordinary people, in the past month and a half, the conservative majority on the Supreme Court issued two decisions that I find very disturbing. In one (*AT&T Mobility, LLC v. Concepcion*, No. 09-903, April 27, 2011), they held that the Federal Arbitration Act preempts efforts of state

courts to limit contractual arbitration clauses that they deem unfair to consumers. As soon as corporations insert into every contract an arbitration clause limiting your right to sue and waiving your right to represent others, this decision will effectively end all consumer and employment class action lawsuits throughout the United States, as well as their disciplining effects on corporate behavior.

In another case (*Connick v. Thompson*, No. 09-571, March 29, 2011), the majority expanded the doctrine of municipal immunity to overturn a damage award won by a man who served eighteen years on death row in Louisiana for crimes he did not commit as a result of the district attorney's deliberately withholding from the defense the exculpatory evidence that eventually exonerated him, in flagrant violation of well-settled constitutional law. And a year ago, in *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010), the same majority held that corporations have the same First Amendment rights as people, thus effectively eviscerating most legislative efforts to limit the corrosive effects of money on politics. Do we need educated, proficient and courageous lawyers to restore balance to the law in these areas? Of course we do.

But those aren't the only reasons we need you so badly. The same interests that tell us there are too many lawyers continue to try to cripple protection of the environment from greenhouse gases, to limit protection of the oceans from oil well blowouts such as BP's Deepwater Horizon catastrophe, to hinder protection of the drinking water supply in Pennsylvania and New York from the carcinogenic effects of hydraulic fracturing chemicals used to extract natural gas, to reduce protection of the nation's food supply and pharmaceuticals, to obstruct protection of the capital markets and investors from the same excesses of Wall Street and the banking industry that melted down our financial system in 2008 and gave us the Great Recession; to end protection of severely injured victims of medical negligence and abuse by physicians and hospitals in the guise of tort reform, and to vilify public employees including policemen, firemen and teachers and abolish their collective bargaining rights.

We know from sad experience that free markets don't regulate themselves, that the environment and the public health don't protect themselves, that trickle-down economics doesn't work, and that tax cuts don't pay for themselves. But we need lawyers to translate that experience into law if the public is to be protected from the worst excesses of free market capitalism and corporate greed.

We need you for other compelling reasons also. In 2009, over 6,600 hate crimes were reported in the United States, almost half against victims targeted because of their race, the rest against victims targeted because of their religion, sexual orientation, ethnicity, national origin or disability. We need lawyers not only to prosecute the perpetrators, but also to dispel the dual curses of ignorance and intolerance that cause these crimes and to protect the civil rights of the persons who are their targets.

And throughout the world, peoples emerging from the yokes of tyrannical and dictatorial regimes need the assistance of lawyers to establish laws that will afford them the blessings of fair and peaceful democratic government.

My new lawyer colleagues, the challenges that await you are serious and daunting. Both American society and the world need you desperately. The faculty and staff of the law school and all who have supported you during your time here have the highest

hopes for each and every one of you. We offer you only one challenge as you graduate from Rutgers Law School. Make us all proud of you!

Thank you very much.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 2011

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained and was not present for rollcall votes numbered 417 and 418 on Tuesday, June 14, 2011. Had I been present, I would have voted "yea" on both rollcalls.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes:

Mr. GOODLATTE. Mr. Chair, I rise today in support of the gentleman's amendment to this legislation.

First, I want to be clear that I do believe that discrimination against many black farmers occurred. In 1997 a group of black farmers who had been discriminated against filed a case against USDA. By 1999 the courts agreed and approved a settlement for the farmers who had been discriminated against and provided a framework and time frames to settle the claims. Included in this settlement, the court provided a time frame for new claimants to have their cases heard. Anyone who had a claim was given the opportunity to come forward during this court approved window.

Despite this framework, we are still allowing additional payments to others, who had an earlier opportunity to file claims but did not. What is most disturbing is that approximately 94,000 total claims have been filed, yet census data shows that there were only 33,000 black farmers in the U.S. during the relevant time period. Furthermore, whistleblowers have come forward, including a black farmer, alleging widespread fraud in this process. These serious allegations of fraud should be investigated before we spend potentially \$1.2 billion on these claims, especially when the standard of proof for these claims is reduced under this settlement compared to what it would have been in a court.

I believe that we must investigate any allegations of fraud that are occurring before this Congress allows any more funds to be used for the settlement. Just as it would be an injustice to not grant relief to black farmers who had been discriminated against, it would also