

Supreme Judicial Court
Chief Justice Ralph D. Gants

Remarks Delivered at the Islamic Society of Boston Cultural Center

December 18, 2015

I thank Shaykh Yasir Fahmy and Executive Director Yusufi Vali for their generous introduction. It is my pleasure and privilege to join you here today, and I promise I will not delay you too long from your afternoon prayers.

This may surprise you but this is not where I usually spend my Friday afternoons. So it is appropriate to ask why I am here today.

I asked to speak with you today because I know that this is a difficult time for persons who practice the Islamic faith in this country. And I am here to assure you that you do not stand alone: you have a Constitution and laws to protect your right to practice your religion, to protect you from discrimination and the denial of your equal rights, and to protect you from acts of violence that might be committed because of your religion or your nation of origin. And as the Chief Justice of the highest court in Massachusetts, as one who has sworn to uphold that Constitution, and whose job it is to interpret its meaning, and, where appropriate, to enforce it, it is only fitting that I be the one to bring you that message.

In fact, you have two Constitutions: the United States Constitution, with its Bill of Rights, and our Massachusetts Constitution, with its Declaration of Rights, drafted by John Adams in 1780, which is older than the United States Constitution and we think, at times, wiser, at least as we have interpreted it. Because we have at times interpreted our Declaration of Rights more broadly than the Bill of Rights, which is why residents of Massachusetts enjoy more rights than residents of many other states.

The purpose of a Declaration of Rights is to protect the rights of the minority, of those who are unpopular, even perhaps despised because of who they are, or where they came from, or what they believe, or what they have done. The popular majority does not much need a Declaration of Rights; they have the Legislature to protect them. We in our judiciary recognize our obligation to enforce those rights where they are abridged, regardless of whether it is popular to do so, sometimes knowing it will not be popular to do so. And, based on what I know about our Attorney General, Maura Healey, and our District Attorney, Dan Conley, I am confident that they will stand with you to prosecute cases where your civil rights have been violated. And, based on what I know about our bar associations -- the Boston Bar Association and the Massachusetts Bar Association, there are attorneys who will help you to protect your civil rights, even for those who are too poor to afford to pay them. In short, you have a Constitution (two Constitutions) and, if the need were to arise, you should not be afraid to use them.

I also bring you a second message, not so much in my role as Chief Justice, but as someone who is very old and a Jew. The Old Testament many times reminds us, "Once we were strangers in the land of Egypt," and that line is the centerpiece of the Jewish holiday of Passover. I think of that phrase often, because I know that once my forefathers were strangers in the land of the United States, as were the forefathers of nearly all of us, and many of us were not so welcome here.

In the 1840's and early 1850's, this country was not so welcoming to the influx of Irish Catholics escaping the potato famine in Ireland, and the anger towards those immigrants gave birth to a party, appropriately named, the "Know Nothing" party. Massachusetts was among those states that passed anti-Catholic laws, including a two year residency requirement after naturalization to delay a new citizen's ability to vote, and a law requiring public school students to read from the Protestant King James Bible.

For nearly a century, until 1965, our immigration laws were designed to prevent Chinese and Japanese from entering this country.

During the Great Depression, Mexican-Americans were scapegoated for the economic deprivation they did not cause, and more than two million were deported to Mexico. By some estimates, more than half were born in the United States and therefore U.S. citizens.

The prosecution of Sacco-Vanzetti, who were both Italians and anarchists, triggered fear and dislike of our Italian-American community.

The loyalty of German-Americans was unfairly questioned in both World Wars, as was the loyalty of Japanese-Americans, but it was only the Japanese who faced internment in World War II.

The forefathers of African-Americans came to this country in chains and we are still challenged by the legacy of slavery and of Jim Crow. But African-Americans were not the only ones who faced lynching in the American South. Leo Frank, a Southern Jew falsely accused of murder, also died from lynching, and his death in 1915 gave birth to the Anti-Defamation League.

If you add up all those who are Irish-Americans, Italian-Americans, German-Americans, Asian-Americans, Mexican-Americans, African-Americans, Jewish-Americans, all those who once were strangers in this land of Egypt, you end up with the vast majority of this nation.

So I hold firm to the hope that, if we remember who we are and where we came from and what we once endured, if we remember that we, too, once were strangers in the land of Egypt, the vast majority of Americans will stand arm-in-arm with Muslim-Americans and, together, we will get past these troubling times. And until that happens, we still have our Constitution and our

rule of law to protect us, and lawyers, prosecutors, and judges prepared to apply those laws to ensure our rights.