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Dean Yelnosky's Post

June 17, 2016

What the Tragedy in Orlando Means for RWU Law

Posted by Michael Yelnosky on 06/17/2016 at 12:54 PM



Last Sunday, when the scope of the tragedy at the Pulse nightclub in Orlando began to emerge, I sent the following email to the student body:

“*Tragically, once again Americans are mourning the loss of life caused by a senseless act of gun violence, this time apparently directed at members of the LGBTQ community. We mourn the loss of life and wish the hate would go away. In addition, it is important that we – as lawyers and future lawyers – remain committed to the principle of equal justice for all and put our skills to work in pursuit of a more peaceful future for all.*”

Since then, I have continued to reflect on the tragedy, and on my instinct to reach out to our students. One reason I sent the email was because of the scope of the tragedy. This was the largest mass shooting in American history. The loss of life was staggering. We are human beings first and foremost, and I felt the need to reach out to the law school community so that we could mourn collectively. A night of revelry and camaraderie in a nightclub in Orlando was interrupted by the toxic mix of hatred and

firearms, and the scenes coming from the club were, while not unfamiliar to Americans, profoundly terrifying and sad.

However, the tragedy that unfolded that horrible night is of particular relevance to lawyers and law students.

It was almost one year ago that the United States Supreme Court, in *Obergefell v. Hodges*, ruled that the Constitution requires states to permit same-sex couples to marry. Justice Kennedy wrote for the majority that the hope of the same-sex couples before the Court “is not to be condemned to live in loneliness, excluded from one of civilization’s oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right.” The decision was met by outright resistance in some states, and the backlash has included the passage of recent laws banning transgender individuals the right to use public restrooms that are consistent with their gender identity. The power of the law to change society; to change hearts and minds – and the limits of that power – is a serious subject for those with legal training.

Another important legal issue raised by the Orlando tragedy is the current debate over immigration and the profiling of American Muslims. The threat of terrorism in the United States is real, but banning all Muslim immigration would not have prevented this tragedy. The shooter was born in the United States to Afghan immigrants. The question of how to protect our national security and keep our borders open is a vexing one, but this appears to have been the brutal work of a home-grown terrorist, one of many this country has unfortunately produced.

And, of course, the question of the limits the Second Amendment places on gun regulation – a legal question – is again front and center. The Supreme Court decision in *Heller* declared that the Second Amendment guaranteed the right of individuals to possess a firearm, but the Court made it clear that right was not unqualified and that certain gun regulations could withstand Second Amendment scrutiny. Congress and state legislatures alike are rushing to consider new regulations in the wake of Orlando, but there is uncertainty about the constitutionality of some of the proposals.

The sadness, the fear, and the anger are important emotions for each of us to wrestle with. But I think that, as lawyers, we cannot stop there. In the 1930’s Charles Hamilton Houston urged lawyers to be social engineers for a just society. In January here in Bristol, Carlton W. Reeves of the United States District Court for the Southern District of Mississippi [urged the student body at RWU Law to be “citizen soldiers” in the fight for equality](#). I find his words soothing and inspiring today as I continue to think about Orlando:

“
And now it is time for our next generation, this generation, to be citizen soldiers. So follow your passion. You know what the issues are, and there are many of them – from the schoolhouse to the jailhouse. Criminal justice reform. Sentencing guidelines reform. Making sure that collateral consequences do not further bind and chain and burden criminal defendants for all of their lives. We need to stand up for those children who are caught up in the foster care system. Police reform. Prosecutorial reform. Economic inequality; dealing with the haves and the have-nots. Citizen soldiers need to be out there doing that. Education inequality. Citizen soldiers have to stand up for immigrant children –
and immigrant adults.”

“
That’s my challenge to you: be the citizen soldiers of this new generation. Whether we are black or white, Jew or Gentile, immigrant or native born, rich or poor, gay or straight, whatever our differences are – what we need is to have love and compassion toward one another, and a feeling of justice toward those who still suffer within this country. There are those out there who would peddle hate and division, fear and distrust. There are those who are masters of confusion and deception. Reject those notions. Believe in the capacity of the greatness of America. Drop yourself into that uncomfortable, unquenchable, indomitable American spirit. Have that audacious faith, like Dr. Martin Luther King. Look beyond what you’re speaking to. Speak to the future. Be the cause of that revolution.”