

Senate Concurrent Resolution 22

Sponsored by Senator FREDERICK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Apologizes to Robert Parker for 31 years of suffering injuries and effects of racism and institutional bias that has denied him admission to Oregon State Bar and urges Oregon Supreme Court to admit Robert Parker to bar.

CONCURRENT RESOLUTION

1
2 Whereas the people of Oregon and of this nation have begun to address past issues of discrimi-
3 nation and are attempting racial reconciliation; and

4 Whereas the history of this state includes many dark chapters of egregious racial discrimination;
5 and

6 Whereas racial reconciliation cannot occur without public acknowledgement of past
7 discriminatory, unfair and unlawful treatment of those who came to Oregon and who made Oregon
8 their home and yet who faced adversity and challenges on account of their race from the moment
9 they arrived in this state; and

10 Whereas one such individual is Robert R. Parker, Jr.; and

11 Whereas Robert Parker is an African American man born in 1955 in Flint, Michigan; and

12 Whereas Robert Parker had a hardscrabble childhood that veered into experiencing severe
13 poverty following his father's death when Robert Parker was 13; and

14 Whereas Robert Parker's teenage years were turbulent, including dropping out of high school
15 and being committed to reform schools; and

16 Whereas through perseverance and determination, Robert Parker turned his life around, ob-
17 taining his GED certificate, attending community college and then attending the University of
18 Michigan; and

19 Whereas Robert Parker continued his string of academic successes by attending and graduating
20 from North Carolina Central University School of Law; and

21 Whereas following law school graduation, Robert Parker worked for an insurance company and
22 for a prosecutor in the midwest and south before following countless others to the west coast; and

23 Whereas in 1987, Robert Parker accepted a job offer from Senator Jim Hill to serve as the
24 committee administrator of the Senate Business, Housing and Finance Committee, of which Senator
25 Hill was the chair; and

26 Whereas Robert Parker took and passed the bar examination for admission to the Oregon State
27 Bar; and

28 Whereas Robert Parker had a vision for creating a first-in-the-nation property and casualty in-
29 surance company to provide insurance services to the African-American community nationwide; and

30 Whereas many who come to Oregon and rapidly obtain professional employment, successful
31 professional test results and a business plan to fill a needed niche find this to be a recipe for suc-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cess, that success was withheld from Robert Parker because of the specter of racism and discrimi-
2 nation; and

3 Whereas opponents of major legislation before the committee (Senate Bill 664 (1987)) sought to
4 derail enactment or implementation of the legislation by making allegations that Robert Parker was
5 using his committee administrator position unethically and illegally; and

6 Whereas these allegations lacked credibility but were made to a receptive audience, including
7 Senate leadership; and

8 Whereas without legal authority, Senate leadership caused the Oregon Department of Justice
9 to investigate Robert Parker; and

10 Whereas the Department of Justice investigation and an additional investigation undertaken by
11 a county district attorney failed to yield evidence of an indictable offense, and the district attorney's
12 presentation to a grand jury on three separate occasions failed to result in any indictment of Robert
13 Parker; and

14 Whereas a letter the district attorney wrote to the Oregon Government Ethics Commission
15 caused the commission to undertake its own investigation into Robert Parker, even though the dis-
16 trict attorney expressly acknowledged in his letter that it was not a complaint; and

17 Whereas the absence of a complaint or motion left the commission without proper jurisdiction
18 to undertake an investigation of Robert Parker, but the commission investigation went forward
19 anyway; and

20 Whereas the investigation report contained references on Robert Parker's race and Muslim faith
21 and contained references to interracial dating, all being racially charged extraneous material not
22 common to such reports; and

23 Whereas the central findings of the investigation were based on wholly circumstantial evidence;
24 and

25 Whereas Robert Parker appealed the commission's order on grounds of absence of jurisdiction
26 and on the merits, but both the Oregon Court of Appeals and the Oregon Supreme Court affirmed
27 the commission's order without written opinion; and

28 Whereas Robert Parker ultimately prevailed and obtained a final order from the commission
29 vacating the initial commission order, but Robert Parker was unable to have the Court of Appeals
30 and Supreme Court judgments vacated even though there no longer existed a valid agency order on
31 which an appellate judgment could be based; and

32 Whereas Robert Parker took and passed the bar exam in 1990, but unbeknownst to Robert
33 Parker, prominent members of the legal profession and public officials were unable to set aside the
34 racial bias and exclusionary orientation that had, by 1989, limited membership in the Oregon State
35 Bar by African Americans to a mere 48 individuals; and

36 Whereas the Board of Bar Examiners undertook an extensive multiyear investigation to deter-
37 mine whether Robert Parker possessed the requisite moral character and fitness to practice law in
38 Oregon; and

39 Whereas many who participated in the bar investigation had themselves participated in prior
40 investigations, been named as defendants in proceedings brought by Robert Parker challenging in-
41 vestigation findings or had business relationships or affiliations with others who had so participated
42 or been named as defendants; and

43 Whereas the Board of Bar Examiners voted 10-3 to recommend that Robert Parker be denied
44 admission to the bar on character and fitness grounds and the Oregon Supreme Court duly adopted
45 the board's recommendations; and

1 Whereas the record the board based its decision on was replete with unproven assertions of
2 ethical and criminal misconduct, including the flawed Oregon Government Ethics Commission
3 findings that were without jurisdiction, that contained pervasive institutional bias and that were
4 ultimately vacated; and

5 Whereas the Oregon Supreme Court has original jurisdiction and inherent power to regulate the
6 practice of law, including the power to admit or deny admission to those seeking to practice law;
7 and

8 Whereas principles of basic jurisprudence provide that a decision of a court serves as
9 precedential authority that governs a similar case or similar question of law that arises later; and

10 Whereas the Oregon Supreme Court routinely applies precedent in arriving at decisions but
11 failed to apply precedent in determining to deny Robert Parker's application for admission to the
12 bar on character and fitness grounds; and

13 Whereas the improper and unjustifiable decision of the Supreme Court to deny Robert Parker
14 admission to the bar has prevented Robert Parker from practicing law for the past 31 years; and

15 Whereas each and every allegation or assertion made against Robert Parker has ultimately been
16 determined to be unfounded, or has been dismissed or vacated, and yet Robert Parker to this day
17 suffers from the impacts of these unfounded, dismissed or vacated allegations and assertions that
18 are grounded in discrimination and racism; now, therefore,

19 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

20 That we, the members of the Eighty-first Legislative Assembly, find that Robert Parker has en-
21 gaged in no wrongdoing or unethical conduct; and be it further

22 Resolved, That we issue to Robert Parker an official apology of the Legislative Assembly for 31
23 years of damage wrongfully done to Robert Parker; and be it further

24 Resolved, That we respectfully request the Oregon Court of Appeals and the Oregon Supreme
25 Court to vacate their decisions affirming the initial order of the Oregon Government Ethics Com-
26 mission, in light of the commission's final order vacating the commission's initial determination; and
27 be it further

28 Resolved, That we respectfully request the Oregon Supreme Court to exercise its original ju-
29 risdiction and inherent authority to regulate the practice of law so as to vacate the court's initial
30 decision and order Robert Parker's admission to the Oregon State Bar.

31
