

VOLUME 73 | NUMBER 10

**NOVEMBER**  
2023

# RIVERSIDE LAWYER

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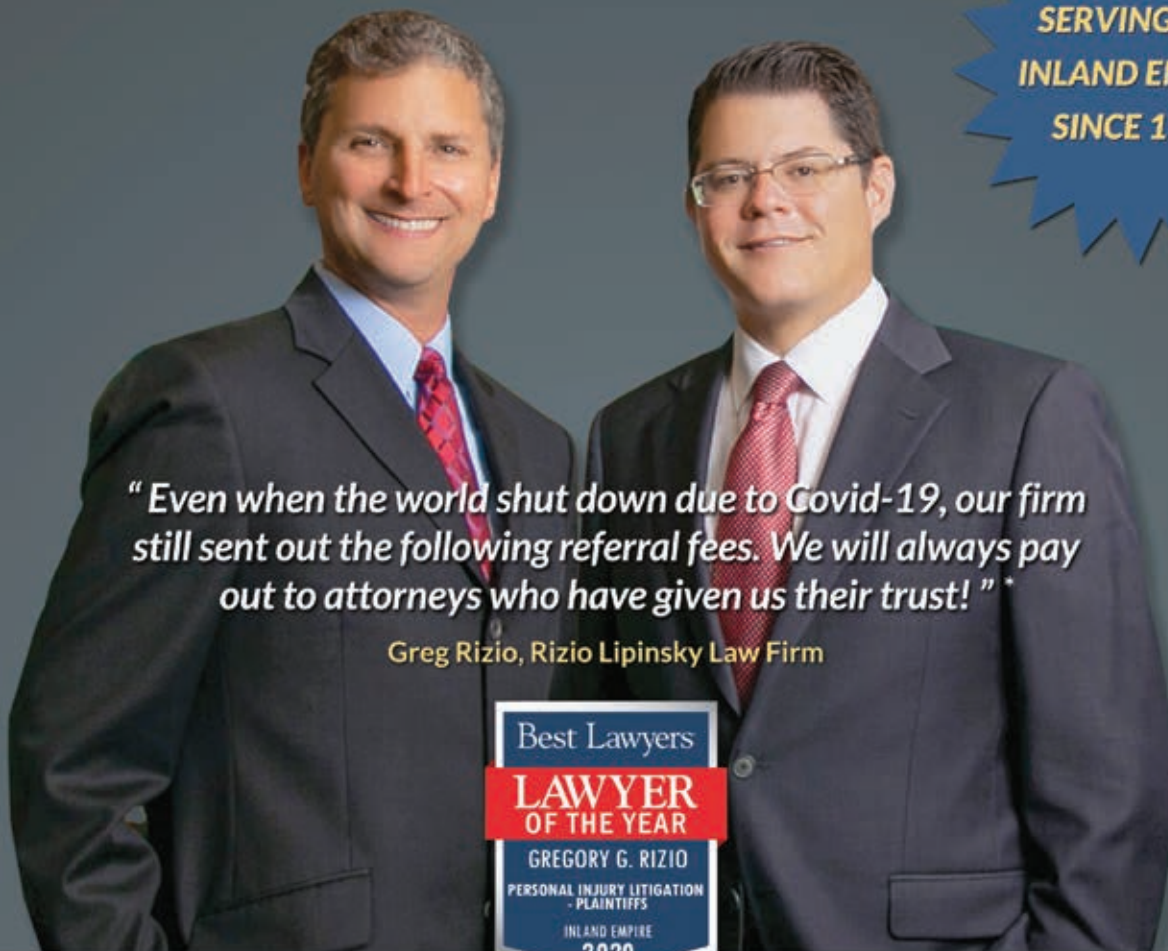


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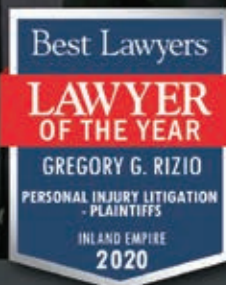
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# RIVERSIDE LAWYER

MAGAZINE

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# CALENDAR

## NOVEMBER

- 3** Estate Planning, Probate & Elder Law Section  
Noon – RCBA Gabbert Gallery  
Speaker/Topic: Questions & Answers with Riverside Court Probate Attorneys and Examiners  
MCLE
- 6** Civil Litigation Roundtable with Hon. Harold Hopp  
Noon – Zoom  
MCLE
- 14** Civil Litigation Section Meeting  
Noon – Zoom  
Speaker: Rachel A. Gupta  
Topic: "Understanding the Mediation Process and Five Behaviors of Counsel That Can Lead to Impasse"  
MCLE
- 17** General Membership Meeting  
Noon – RCBA Gabbert Gallery  
Speaker: Wendy Patrick  
Topic: "Programming Professionalism: The Ethics of Artificial Intelligence in the Law"  
MCLE - 1 hour Ethics

New Attorney Academy  
9:00 am - 4:30 pm

**21** Family Law Section Meeting  
Noon –RCBA Gabbert Gallery  
Speaker: TBA

**23-24** Thanksgiving Holiday  
RCBA Office Closed

## DECEMBER

**11** Civil Litigation Roundtable with Hon. Harold Hopp  
Noon – Zoom  
MCLE

RCBA Elves Shopping Night  
4:00 P.M.  
Walmart  
6250 Valley Springs - Riverside  
Contact RCBA for more information

**13-14** RCBA Wrapping Elves  
RCBA Boardroom - 3:30 pm  
Contact RCBA for more information

SAVE THE DATE - MCLE MARATHON  
Friday, January 12, 2024

### Events Subject To Change

For the latest calendar information please visit the RCBA's website at [riversidecountybar.com](http://riversidecountybar.com)

## MISSION STATEMENT

### Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

### RCBA Statement

The mission of the Riverside County Bar Association is: To serve our members, our communities, and our legal system.

### Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, the RCBA - Riverside Superior Court New Attorney Academy and the Riverside Bar Foundation.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of *Riverside Lawyer* published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication, and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, Reading Day and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$30.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the *Riverside Lawyer*. The material printed in the *Riverside Lawyer* does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

# PRESIDENT'S Message

by Kelly Moran



I have turned a boy into a mermaid, had a pizza party with Sonic the Hedgehog, and read stories with the Cat in the Hat. No, this is not a set up for the world's strangest game of two truths and one lie, it is a quick snapshot of the amazing experiences that I have had as a Wish Granter with Make-A-Wish. When I learned that this month's magazine topic was "giving back," I automatically knew that I wanted to use my column to tell you all about Make-A-Wish. Rest assured, I do not expect you all to run out and join the organization, though of course I highly encourage it! But being a part of Make-A-Wish has changed my life, and my hope for everyone reading this is that you find something that changes your lives in the same way.

I became a Wish Granter with the Orange County and Inland Empire chapter of Make-A-Wish in 2010. As a Wish Granter, I get the honor of playing "fairy godmother" for young heroes who have survived so much and who deserve a moment to be celebrated for their strength and bravery. I am welcomed into the homes of families who have bonded together through some of life's hardest challenges. I ask wish kids what their greatest dreams are, and with the help of staff and generous donors, we make those dreams come true. Whether the wish is to meet Mike Trout, go on a massive shopping spree, or get a new puppy, I get the privilege of seeing the joy on a child's face when he or she finds out that the things they have imagined are finally going to become a reality.

But, as magical as all of that is, for me the most inspirational part of Make-A-Wish has always been the community's response. No matter the ask, every person or business that I contact for help with a wish event says yes, frequently before I have even finished my request. I often tell people that with the law, you do not always see the most pleasant side of life. You see hardship, people enduring some of their worst times, and the behaviors of those you are working with or for can become a reflection of the difficult emotions

they are working through themselves. Make-A-Wish reminds me that good people exist and that I am surrounded by them every day. I cannot even begin to count the amount of times that I have reached out to a business to ask for a donation for a wish presentation party or to an individual, prepared to beg for their help in setting up a special surprise, only to be met by a response of "I will do anything you need" as soon as I utter the words "Make-A-Wish." People in this community will give of themselves simply to make the lives of others better, to create a moment of happiness for a child and family who have endured so much, and I could not be more in awe of that kind of selflessness.

What I have learned about "giving back" is that I get more from these experiences than I could ever pay forward to someone else. Inevitably on the days that I feel the most overwhelmed, the days where I start to question my sanity for signing up for so many organizations, I gain strength from just being involved. I leave energized and inspired after interactions with wish families and am constantly motivated to do more after witnessing the generous actions of the members of my community.

Being a part of Make-A-Wish is undoubtedly one of the best decisions that I have made in my life, but joining the RCBA has certainly been another life-changing one. It has been my greatest honor to serve as president of an organization that I so strongly support the mission of and that brings such a sense of civility and comradery to this legal profession. The years that I have spent on the RCBA Board and the people that I have met through this organization have shaped my career for the better.

It is with this gratitude in mind that I want to thank you all for the time that I was able to serve as your president. Effective November 1, 2023, Mark Easter will be taking over the role of president as I leave to serve as a commissioner with the Riverside Superior Court. Though I am humbled by and beyond grateful for the opportunity to embark on this new adventure, I will miss serving on the RCBA Board. I wish nothing but the best for this organization and know that the RCBA will be in wonderful hands with Mark leading the charge for the next 22 months. I am certain he will make this organization even stronger and will foster greater connections throughout the membership, and I look forward to seeing the remarkable things that he and his Board accomplish.

I may have "given back" by dedicating my time to the RCBA over the years, but I am taking so much more with me than I ever could have imagined. Thank you all for shaping my career and bettering my life.

*Kelly Moran is a Commissioner-Elect of the Riverside Superior Court. She will be sworn in on November 6, 2023.*



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# BARRISTERS

## President's Message

by David P. Rivera



### Tribal Gaming, Regulation, and Policy Goals: A Primer

National Native American Heritage Month is observed each November to celebrate the cultures and contributions of Indigenous peoples. During this time, we are also called upon to reaffirm our commitment to tribal sovereignty and self-determination, rights entwined with tribal economics.<sup>1</sup>

Today, Native American gaming is safeguarded as part of tribal sovereignty, generating vital revenues that fund tribal government operations—police departments, fire departments, emergency medical care, housing, education, etc. This article broadly reviews the historical backdrop underlying the rise of tribal gaming, the complex legal framework that Native American tribes must navigate to conduct gaming operations on their land, and the principles underpinning their gaming rights.

#### I. Historical Backdrop

Tribe-sponsored gaming traces its roots to the 1980s, gaining notable traction under a Reagan administration that emphasized tribal sovereignty and economic self-sufficiency. Amid this backdrop, the Cabazon and Morongo Bands of Mission Indians, occupying reservations in Riverside County, sought novel revenue streams in the form of high-stakes bingo enterprises and card games. California tried to apply state gambling laws to the tribes' activities, prompting the tribes to seek declaratory relief in Federal District Court. The District Court entered summary judgment for the tribes. The Court of Appeals affirmed. The Supreme Court granted certiorari, affirming the lower courts' decisions. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

*Cabazon* held that while Congress may permit states to apply their laws to tribal Indians on their reservations, it had not expressly done so either under Pub.L. 280 or the Organized Crime Control Act of 1970. The Court clarified two important tenets of federal Indian law: (1) "criminal/prohibitory" vs. "civil/regulatory" analysis under Pub.L. 280, and (2) preemption analysis for federal Indian law.<sup>2</sup>

First, a state law falls within Pub.L. 280's grant of criminal jurisdiction if it *prohibits* certain conduct. Such criminal/prohibitory laws can generally be applied to activities on Indian land. However, if the law instead permits conduct subject to mere *regulation*, then it is categorized as civil/regulatory and cannot be similarly enforced.<sup>3</sup> Here, the Court found California's gambling laws to be civil/regulatory in nature because they permitted a substantial amount of gambling, including bingo and the card games at issue.<sup>4</sup>

Second, state authority is preempted by the operation of federal law "...if it interferes or is incompatible with federal and tribal interests reflected in [that] law." Here, the Court noted that federal interests aligned with tribal interests in developing gaming operations, and further emphasized that those interests were consistent with established federal notions of Native American sovereignty, self-government, self-sufficiency, and economic development.<sup>5</sup>

*Cabazon* distinctly affirmed the authority of tribal governments to establish gaming operations relatively free from state regulation. The Court's reasoning has bruised over time, but this pivotal case ushered in a federal regulatory scheme that continues today.<sup>6</sup>

#### II. Indian Gaming Regulatory Act

##### A. Overview

The Indian Gaming Regulatory Act (IGRA) is Congress' direct response to *Cabazon*.<sup>7</sup> It was enacted in 1988, under pressure from states to legislatively overturn *Cabazon*'s legal precedent.<sup>8</sup> Post-IGRA, state governments gain no control or authority over tribes absent a specific Congressional grant. Congress has provided just that via IGRA, but that grant of gaming authority is limited. Tribes remain the primary regulators of their gaming operations. While IGRA curtails some tribal rights gained under *Cabazon*, it seeks to promote traditional policy goals: strong tribal governments based on sovereignty, self-sufficiency, and economic development.<sup>9</sup>

IGRA balances certain aspects of gaming regulation through a quid pro quo relationship between states and tribes. Congress gave states a seat at the table to voice their concerns but required states to permit tribes some form of gaming. On the other hand, IGRA requires tribes to enter into agreements with states, called tribal-state compacts, that submit tribes to state regulation for certain types of gaming. IGRA retained general regulatory oversight in the federal government. Additionally, IGRA created the National Indian Gaming Commission (NIGC) to execute that oversight while supporting the statute's policy goals.<sup>10</sup>

<sup>3</sup> *Id.* at 209.

<sup>4</sup> *Id.* at 211.

<sup>5</sup> *Id.* at 216.

<sup>6</sup> Glenn M. Feldman, *The Cabazon Decision, 35 Years On*, Ariz. Att'y, July–Aug. 2022, at 58.

<sup>7</sup> *Id.*

<sup>8</sup> Steven Isaacs, *Am. Givers: How the Reneging of the Fed. Trust Responsibility Impacts Indian Gaming and Continues Am. Apathetic Oppression of Native Am.*, 13.2 UNLV Gaming L. J. 235, 245 (Spring 2023).

<sup>9</sup> *Comm'n, FAQ, Nat'l Indian Gaming Comm'n*, <https://www.nigc.gov/commission/faqs> (last visited Oct. 20, 2023).

<sup>10</sup> *Id.*

<sup>1</sup> Proclamation No. 10490, 87 F.R. 66531 (Nov. 3, 2022).

<sup>2</sup> *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 203 (1987).

## B. Gaming Classifications

IGRA establishes three classifications of gaming. Class I is limited to traditional Native American games, social in nature and awarding only de minimis prizes. Class II is defined as: (1) bingo, (2) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games like bingo, provided they are played in the same place as bingo, and (3) non-house banked card games. All other games are Class III, more commonly known as casino-style gaming that is house banked.<sup>11</sup>

## C. Regulation of Gaming Classifications

Regardless of classification, tribal gaming must be conducted on Indian lands within a tribe's jurisdiction.<sup>12</sup>

Additional IGRA obligations depend on the class of gaming involved. Tribes exercise complete autonomy over Class I gaming. Tribes can conduct Class II gaming without state approval if the state allows gaming by any person or organization. Tribes can conduct Class III gaming only after entering a tribal-state compact.

The NIGC regulates Class II gaming and some aspects of Class III gaming. Prior to engaging in either class of gaming, tribes must submit a gaming ordinance or resolution to the NIGC for review and approval by the NIGC Chair. The ordinance must provide, among other things, that net gaming revenue be directed to specific IGRA-approved purposes: tribal government operations, tribal general welfare, economic development, charitable donations, and local government agency operations.<sup>13</sup>

Tribes who adequately fund approved purposes may elect to share excess net revenue with their citizens in the form of "per-capita payments." Prior to doing so, a tribe must submit to the Secretary of the Interior a Revenue Action Plan (RAP) detailing how it will allocate net gaming revenue per IGRA requirements.<sup>14</sup>

## D. Returns and Reinvestment

IGRA is not perfect, but Native American tribes have grown and sustained successful gaming operations under its watch.<sup>15</sup> A cursory explanation of gaming ordinances and RAPs merely hints at the benefits gained. The benefits are both tangible and intangible.

In fiscal year 2022, NIGC reported \$40.9 billion in gross gaming revenue earned by 244 federally recognized tribes from 519 gaming operations across 29 states.<sup>16</sup> Indian gaming generated \$17.5 billion in total taxes, comprised of \$11.5 billion in federal taxes, \$4.6 billion in state taxes, and \$1.4 billion in county taxes.<sup>17</sup>

Tribes use gaming revenue to build not just homes, but entire communities. Gaming revenue funds health care, public safety, education, and social programs for tribal youth and elders. Gaming revenue builds a wide range of infrastructure: buildings, roads, communications systems, emergency response systems, water systems, sewage systems, and more.<sup>18</sup>

What about jobs? In 2022, Indian gaming generated more than 700,000 direct and indirect jobs. Though nearly three in

four jobs go to non-Native neighbors, job growth has enabled many tribal members to work their first jobs in their native communities on Indian lands.<sup>19</sup>

Indian gaming has benefitted tribal communities by filling tribal coffers, widening the doorway to tribal self-sufficiency, and reinforcing tribal identity.

## III. Summary

Tribal gaming rights are grounded in tribal sovereignty. The Supreme Court in *Cabazon* recognized the inherent sovereign right of Native American tribes to use gaming as a means of revenue generation for their communities. In the wake of *Cabazon*, states and other stakeholders pressured Congress to pass IGRA, which sought a balancing of state-tribal relationships in the gaming sphere. IGRA imposes federal oversight and state regulation on Indian gaming based on a classification system for game types.

Though IGRA is imperfect, it too is founded on policies that promote strong tribal government. Under IGRA, Indian tribes continue to establish and grow gaming operations that generate material gaming revenues. Reinvestment of those revenues rebuilds tribal communities, grows tribal economies, promotes tribal self-sufficiency, and strengthens tribal identity. All of this reinforces Native American tribes' right to self-determination and sovereignty—fine concepts that deserve heightened awareness as we celebrate National Native American Heritage this November.

## IV. Upcoming Events

*Barristers General Membership Meeting and Free CLE.* November 14, 5:30–7:00 p.m., at the JAMS Riverside Resolution Center. The Hon. Jackson Lucky (Ret.) will discuss Hidden Secrets in the Rules of Evidence. The event is hosted by JAMS, including complimentary food and beverages. See our Instagram for details. Please register by November 10: <https://JAMSRCBABarristersCLE.eventbrite.com>.



*Happy Hour.* November 17, 5:00 p.m., at The Brickwood.

## Follow us!

For upcoming events and updates:

Website: [RCBABarristers.com](https://RCBABarristers.com)

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Instagram: [@RCBABarristers](https://www.instagram.com/RCBABarristers)

If you have any suggestions as to possible events or activities, or comments on Barristers affairs, please email us at [barristers@riversidecountybar.com](mailto:barristers@riversidecountybar.com).

Contact me directly by email at [drivera@alumni.nd.edu](mailto:drivera@alumni.nd.edu), or by text or phone call at (909) 844-7397. If you are just discovering Barristers and would like to attend one of our events, I am more than happy to meet you at the door and introduce you to our wonderful group. Truly, I look forward to hearing from you!

<sup>19</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Feldman, *supra* note 6, at 58–59.

<sup>16</sup> *Pub. Aff., News Releases, FY 2022 GGR Rep.*, Nat'l Indian Gaming Comm'n, [https://www.nigc.gov/images/uploads/GGRFY22\\_071923\\_Final.pdf](https://www.nigc.gov/images/uploads/GGRFY22_071923_Final.pdf) (last visited Oct. 20, 2023).

<sup>17</sup> *Featured Articles, Indian Gaming Is Lifting Indian Country and Rural Am.*, Indian Gaming, <https://www.indiangaming.com/indian-gaming-is-lifting-indian-country-and-rural-america/> (last visited Oct. 20, 2023).

<sup>18</sup> *Id.*

David P. Rivera is a solo practitioner of business law in Highland, treasurer of the Hispanic Bar Association of the Inland Empire, treasurer of the Asian Pacific American Lawyers of the Inland Empire, and a member of the RCBA Bar Publications Committee.



# The RCBA Elves Program – Season XXII

by Brian Pearcy

Last year was a record year for the Elves Program. The number of families grew by 45% over the past year. The number of individuals served grew from 218 to 385. While one could opine that this growth in service is a sad reflection on our local economy, I prefer to see it as a testament to our membership's growing capacity to help and serve others. This will be our 22nd opportunity to show the local community that supports us that we care and do give back.

As I write this, I have no sense of the numbers yet, but I am anticipating that we will still be facing more needy families this year than last year. Hopefully, we will not find things to be as bad as the they were in the late 2000's, but regardless, your RCBA will be there to provide opportunities for you, your family, your staff, your colleagues and friends to become an Elf and share your time, talents, and interests with these local families in need.

So the two big questions for you are these: How many Elf categories do you want to participate in this season? And, how many people can you recruit to help?

**Shopping Elves:** We will again be shopping at **Riverside's Walmart Supercenter located at 6250 Valley Springs Parkway, Riverside, 92507, this year on Monday, December 11, 2023 starting at 4:00 p.m.** (So that we can try to wrap-up at Walmart and get the purchases transported to the Bar at a "decent hour" please try to arrive before 4:30 p.m. to shop if possible.)

As a Shopping Elf, you will receive a Christmas "wish list" from your adopted families. Your job is simple—shop and fill your basket with as many gifts as possible within the dollar amount given to you at the start of the evening at our "check in" table located in the garden center. This is a real opportunity to test or show off your "value" shopping skills. Many of our Shopping Elves have made this a family affair using its younger members to assist in selecting the "cool" gifts for the kids, while learning about the value of charity and the joy of giving to the less fortunate. Some law offices bring their entire staff and are joined by their families and make this a night of bonding. Whatever the motivation, please put on an



Brian Pearcy, Head Elf

Elf cap and come and join us. A good time will be had by all.

A couple years back we modified the protocol and asked every Shopping Elf to stay with their shopping carts as they moved through the checkout queue as it allowed us to process the carts faster and in a more organized fashion. This new process remains in place, so please schedule your time accordingly.

As always, if you'd like to stay and help with the bagging and tagging process (which involves ensuring the bagging of the gifts you selected is organized at the

registers by each separate family member), your assistance would be welcomed. It not only helps us that night but is a great help for the Wrapping Elves on their night too. This year the wrapping nights at the RCBA's boardroom will occur on Wednesday, December 13 and Thursday, December 14, starting at 3:30 p.m. each day.

**Wrapping Elves:** After the Shopping Elves finish their job, Wrapping Elves swing into action. Wrapping Elves must ensure that all the gifts are tagged and assembled by family to allow for easy pick up and distribution by the Delivery Elves.

Once again, we will also ask those **Wrapping Elves who are wrapping off-site to come to the RCBA on December 13, 14 and 15 to pick up a bundle of gifts and wrapping supplies.** You will then have 2 days to wrap and/or to take the gifts back to wrap at your home or office (fun for the whole family or staff!) and **return the gifts to the RCBA offices by December 18**, so they can be made ready for the Delivery Elves to pick up. If you happen to be one of those very generous elves who wraps and delivers, then you will not have to return the wrapped gifts back to the RCBA, but you will have to return to the RCBA to turn in your wrapping supplies and pick up the delivery instructions and gift cards, so you can make arrangements by contacting my office at 951-686-1584 and letting Anna or Lucy know about the families (and family number) you are planning to deliver with the date and times that work within your schedule (on or before December 24).

**This year the wrapping nights at the RCBA's boardroom will occur on Wednesday, December 13 and Thursday, December 14, starting at 3:30 p.m.**

**on each day.** We had a tremendous turnout for “in person” wrapping at the Bar last year, with music, food and camaraderie. A good time was had by all. However, some people, especially those who wrap and deliver, like the experience of picking up and wrapping all in one trip. So, we will continue to offer this Hybrid version too.

To help us plan, I would like all Wrapping Elves to contact the RCBA or Anna Gherity at [agherity@bpearcyllaw.com](mailto:agherity@bpearcyllaw.com) or Lucy Garcia-Velez at [lvelez-garcia@bpearcyllaw.com](mailto:lvelez-garcia@bpearcyllaw.com) by **no later than December 4th to identify themselves and their email address.** Remember, excellent wrapping and organizational skills are welcomed, but are not required.

**Delivery Elves:** Over the years, many members have expressed that delivering gifts to the families was by far one of the most heart-warming Elf experiences. So, if you need a way to kick-start the warm holiday glow inside and out or just want to feel like Santa on Christmas Eve, this is it! It is also a good opportunity to teach your young ones early the rewarding feeling we get of helping those less fortunate than themselves. When signing up, please contact Anna at [agherity@bpearcyllaw.com](mailto:agherity@bpearcyllaw.com) or Lucy Velez-Garcia at [lvelez-garcia@bpearcyllaw.com](mailto:lvelez-garcia@bpearcyllaw.com), (951-686-1584), let us know how many families you can deliver to and inform us of the type of vehicle you have, so we can match the number of gift bags with the storage area available in your vehicle.

Depending on the total number of families adopted, Delivery Elves are needed to personally deliver the wrapped gifts to each of our families from **December 18 to 24** (but you’ll need to retrieve all gifts/bags no later than December 21 from the RCBA). You’ll need to contact the RCBA office before you come to pick up packages to ensure that your family(ies)’ gifts and bags are ready for delivery.

**Money Elves:** The Money Elves provide the means necessary for the other Elves to shop, wrap, and deliver presents to the families we adopt. Donations received will fund: gifts purchased from Walmart and the purchase of gift cards from Stater Brothers, so that the families can buy food for a nice holiday dinner, and the purchase of gas cards so they can get to the grocery store. The more money we raise means a greater number of families we can assist.

**You can really help us by sending in your donation EARLY** since it allows us to determine our budget for the number of families we help. The majority of funds need to be donated no later than December 8, to allow for the big shopping night, but late donations can still be used for the food and gas cards. Please note, even if you are a procrastinator, we will accept money after December 20. Monies received this late

will be applied to any last minute “add on” families or it will be saved to get us ahead on donations for next year.

Please make your checks payable to the RCB Foundation and write “*Elves Program*” in the memo section of the check. The RCB Foundation is a 501(c)(3), so all donations for this project are tax deductible. The RCB Foundation Tax ID# is 47-4971260. Please send your checks directly to the RCBA or you can deliver them as well. We thank you in advance for your holiday generosity.

To become a Shopping, Wrapping, Delivery, or Money Elf (or a combination of these), please email your name and desired Elf designation(s) to one of the following: Charlene Nelson ([charlene@riversidecountybar.com](mailto:charlene@riversidecountybar.com)), Lisa Yang ([lisa@riversidecountybar.com](mailto:lisa@riversidecountybar.com)), Brian Pearcy ([bpearcy@bpearcyllaw.com](mailto:bpearcy@bpearcyllaw.com)), or Mr. Pearcy’s assistants, Anna Gherity ([agherity@bpearcyllaw.com](mailto:agherity@bpearcyllaw.com)) and Lucy Velez-Garcia at [lvelez-garcia@bpearcyllaw.com](mailto:lvelez-garcia@bpearcyllaw.com).

To those who have participated in the past, “Thank you” and to those who join us for the first time this year, we look forward to meeting you. Do not forget to tell a friend or two or three!



*Wrapping elves in 2014 - Judge Chad Firetag, Santa Brian Pearcy and Jacqueline Carey-Wilson*



*Shopping Elves in 2013: Warren Chu and Sophia Choi.*

*Brian C. Pearcy was president of the RCBA in 2002 and is the chairperson (i.e. “Head Elf”) of the Elves Program.*



# Making a Difference in Mead Valley

by Mark Easter

A mere 13 or so miles south of downtown Riverside, past March Air Reserve Base, and west of Perris and the 215 freeway, lies the unincorporated community of Mead Valley. This is a community that over the years has been plagued by everything from drug manufacturing, devil worshippers, sex-trafficking, and biker gangs. But it is also the home of hard-working families who are struggling to hold down jobs, pay bills, and get their kids to school. And it is a community with very few local services and minimal local oversight and governance.

But it is also in this struggling community that a non-profit called The Concerned Family ("TCF") distributes food and clothes, along with grace and mercy, daily. I have had the privilege of volunteering with TCF for the last three years. TCF operates out of a former Riverside County fire station. The garage that used to house fire trucks now functions as a food bank, complete with four recently donated commercial grade refrigerators and two commercial grade freezers. About four years ago, the old firehouse kitchen was given a restaurant quality upgrade, thanks to the generosity of Trammel Crow, an industrial developer that had several projects underway in the I-215 corridor.

TCF functions as a food bank, soup kitchen, community center, and mission. Six days a week, hot meals are served to hundreds of people during lunch time. Large deliveries of donated produce, dairy, poultry, and dry goods arrive sometimes several days a week, and this food is then distributed to both local families and other charitable organizations, such as orphanages, churches, and group homes. These donations come from multiple sources, including local farms, grocery stores, restaurants, warehouses, and even Amazon.

TCF also hosts numerous events during the year, including a Mother's Day lunch in the spring, a backpack and school supplies give away in the summer, and a toy giveaway in December. Last summer, TCF distributed hundreds of backpacks and shoes to students getting ready to return to school. In December, TCF distributed over 1000 toys, plus countless clothes and blankets, to families getting ready for the holidays. All on the strength of almost exclusively private donations and generosity.

TCF operates under the vision and leadership of Lincoln and Fortunate Cooper. However, the Coopers do not just oversee the collection, preparation and distribution of food. The Coopers are deeply committed to, and inspired and motivated by, their faith. As a result, the Coopers also serve as supportive friends, advisers and "shepherds" to many of TCF's patrons and volunteers.

People come to TCF not just to receive food or clothes, or to volunteer—they also come to be encouraged, listened to, and cared for by the Coopers.

TCF has also hosted health care training events, barbecues, and movie nights. When the Russia/Ukraine war broke out, two Ukrainian refugee families landed in nearby Menifee. TCF reached out and provided these families with much needed food and clothes. TCF has also sent shipments of food and clothes to Mexico and countries overseas that have significant need. As gas and food prices have soared in the last several years, TCF's role in the Mead Valley community has become even more strategic and essential.

There are many opportunities for lawyers to "give back" to the community in ways that are more directly related to our legal training. Indeed, I have enjoyed serving as a high school mock trial coach for many years. But volunteering at TCF has given me the opportunity to engage directly in a needy community. This engagement includes seeing the smile on a child's face when he or she gets a new backpack, pair of shoes, or basketball. But it also includes opportunities to listen to people and better understand how they have ended up into their currently difficult circumstances. It includes being able to both empathize with people in their struggles and be inspired by people who persevere and hold onto their faith in the face of circumstances that are far more difficult than anything I have had to face. And a lot of times it includes being able to give practical advice on anything from finding employment to anger management, transportation or financial problems, or working through difficult family or personal issues.

Most of all, the reward lies in being able to step away from the stresses and challenges in my own life and law practice, and bless and encourage people who are far, far less fortunate. Yes, sometimes it can get a little "messy." Or you feel overwhelmed and frustrated that there is only so much you can do. But it is well worth it. So if you are pondering ways to "give back" to our community, don't be afraid to step out of your comfort zone and into opportunities to serve on the "front line," engaging directly with those less fortunate that live right here in Riverside County. For more information about TCF and ways you can contribute, go to <http://theconcernedfamily.org/>

*Mark A. Easter is the president-elect of the RCBA, a partner at Best Best & Krieger LLC, and has been residing and practicing law in Riverside since 1989.*



# Old Riverside Foundation and Preservation Advocacy

by Dave Stolte

Preservation of historic architecture in the City of Riverside was at a tipping point in the 1970s and 1980s. Vintage homes were being demolished to make way for new development and expansion of the 91 Freeway. The historic core of downtown Riverside was derelict and neglected – even the venerable Mission Inn was surrounded by chain-link fencing and threatened with demolition at one point. During this period, a group of concerned community members incorporated a nonprofit organization entitled, Old Riverside Foundation (ORF), as a certified 501(c)(3), on July 25, 1979. The Old Riverside Foundation is dedicated to the recognition, appreciation, and preservation of the built environment. That “environment” encompasses not just residential, civic, and commercial buildings, but also feats of engineering, parks, avenues, landscaping features, and archaeological remains throughout Riverside.

How this broad mandate translates into practical action is through a number of channels. Old Riverside Foundation encourages the conservation of historic homes and neighborhoods, advocates to local government for historic preservation, and educates homeowners and the building trades on standards and practices for the preservation and maintenance of heritage structures. In addition to their ongoing Salvage Saturday events and flagship annual Vintage Home Tour, the organization hosts meetings, seminars, workshops, walking tours, and more. Restoration & Assistance Grants help maintain historic properties, while annual Preservation Awards recognize and celebrate outstanding efforts by the community.

## Advocacy

Old Riverside Foundation works with the city of Riverside to foster historic preservation (and fights for it when required). The Foundation keeps members informed of ways they can help as a community with a quarterly Advocacy Watch List and has been involved in helping craft modifications to Riverside's Title 20, the set of codes and ordinances dealing with historic preservation – with the goal of strengthening and expanding those provisions. Old Riverside Foundation successfully advocated alongside a diverse coalition of community members to resist a proposed Metrolink station expansion that would have demolished a landmark structure, as well as creating negative impacts on the nearby community. Over the summer, Old Riverside Foundation prevailed in a joint lawsuit against a developer and local government to require that their proposed hotel project comply with the Downtown Specific Plan and a full environmental impact report under the California Environmental Quality Act (CEQA).

## Grants

Every year, Old Riverside Foundation offers \$10,000 to \$15,000 in grants for the restoration of historic properties, typically divided among four or five recipients. These funds are made available for the historic restoration of public-facing architectural components; typically restoring wood windows, repairing roofs, or undoing unfortunate instances of “remuddling” by previous owners.

## Awards

At Old Riverside Foundation's annual meeting every October, the group recognizes outstanding efforts in restoration with the annual Preservation Awards, celebrating those who make an above-and-beyond effort to preserve history. The awards honor homeowners, craftspeople, artists, and business owners who keep Riverside's architectural history alive with restoration, repairs, adaptive reuse, and neighborhood beautification.

## Preservation



The organization doesn't just advocate for preservation, they actively practice it. As caretakers of landmark Peter J. Weber House, the Foundation's headquarters since 1990, they demonstrate best practices with their own “home.” This means, ongoing maintenance, repairs when needed,



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and protection against damage. They are passionate about sharing the story of The Weber House and how it avoided demolition, offering private tours booked through their website and invite participation in Doors Open Riverside and Doors Open California, annual events for the public to tour historic spaces. Old Riverside Foundation is in the process of digitally archiving items in the Peter J. Weber Collection: original drawings, photographs, and writings left behind by the prolific local architect.



The Riverside Historic Courthouse is emblematic of the results of preservation and its connection with the law and to the legal community. The cornerstone for this first permanent Riverside County Courthouse was laid on May 7, 1903, and the building was completed in June 1904. This Beaux Arts courthouse occupies nearly one city block and is modeled on the Grand Palais in Paris.



Besides the Historic Courthouse, the 120-year-old home, at the corner of 3390 Orange Street and Fourth Street, was the residence of Charles H. Cressman, a Riverside County deputy sheriff and his family, who lived there until 1908. The law remains in its spirit as it is presently the law office of Boyd Jensen, former Old Riverside Foundation Board Member and Preservation Award recipient.

It is a Mission Revival style jewel with plenty of potential personality. Built in 1902, this house sprung from the Los Angeles firm of Burnham and Bliesner, architects of the same Historic Riverside County Courthouse. They designed the two-story, 2,500-square-foot structure in the form of a Greek cross formed by two intersecting, low-pitched gables with the period's characteristic arched entries and windows, large square pillars, stucco walls and tiled roof.

## Education

Old Riverside Foundation offers a series of practical hands-on workshops exclusively for members on the

following: how to build wood window screens, tips on stripping paint from trim, guidance on Mills Act applications, and more. A quarterly newsletter provides practical information for members; the most recent issue held a deep-dive interview with CEQA attorney Jordan Sisson, a primer for those unfamiliar with the California Environmental Quality Act and how it affects historic preservation.

## Events

The Vintage Home Tour, held yearly in May, is the Old Riverside Foundation's flagship event. With this one-day, self-guided tour, multiple private homeowners open their doors to the public for a peek inside their showcase homes. Previous themed Vintage Home Tours included "A Midcentury Moment" and "A Stroll Through the Decades," which highlighted one home for each decade from 1910 to 1950, revealing Riverside's growth over time. Recent events include "A Field Trip to Pasadena" with a neighborhood walking tour and a behind-the-ropes look at The Gamble House, and "MidMod Cocktails at Sunset," a members-only social event held in a stunning 1950s home with period-appropriate cocktails and appetizers. Special events have also included "A Fireside Chat with Brett Waterman," host of "Restored" on Magnolia Network.

## Salvage



Longtime Salvage Chair and expert restoration contractor Dan Cocco hosts a biweekly architectural sale at The Weber House, offering local homeowners and businesses the chance to purchase and restore vintage architectural items rescued from properties being demolished or remodeled. The inventory includes everything from doors, windows, bathroom fixtures, hinges, doorknobs, all the way down to vintage screws for truly accurate attention to detail.

*Want to learn more, or interested in becoming a member? Visit Old Riverside Foundation's website at [oldriverside.org](http://oldriverside.org), where you can also find links to their Instagram and Facebook accounts.*

*Dave Stolte is the president of the Old Riverside Foundation.*





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# The Power of Giving: How Legal Aid Can Change Lives

## The Impact of Inland Counties Legal Services

by Veronica J. Garcia

This month's focus is on service to others and giving back, and really, there would be no better time for me to share a little bit about my employer, Inland Counties Legal Services ("ICLS"). I feel that most *Riverside Lawyer* readers are somehow familiar with ICLS. Still, if you are not, I will hopefully inspire you to become more acquainted with the organization. ICLS was created with service in mind and has been in the community since 1958. It is a non-profit legal aid providing free legal services to underserved and low-income populations in Riverside and San Bernardino counties. ICLS is MUCH more than that; it is constantly growing and evolving, with over one hundred forty staff members, eight dedicated civil practice groups, many pro bono projects, and volunteer opportunities for private attorneys.

ICLS provides direct legal services and full-scope representation and enlists the help of pro bono attorneys to reach more clients. In 2022, we brought in one hundred fifty individual pro bono attorneys on our various projects. Unfortunately, that is only a tiny portion of the number of volunteers that we need to meet our goals and serve the number of clients that are qualified for services.

Part of my role as Pro Bono Coordinator is developing projects suitable for private attorney engagement and recruiting and retaining private attorneys interested in volunteering with ICLS. One of the questions I am most often asked is, "Did you always want to work in legal aid?" I considered practicing in other areas, and like many of you, before and during law school, I thought I would end up somewhere other than where I am now. Yet here I am, having just celebrated my second anniversary, and I could not be happier and feel more at home than I do at ICLS.

That still does not answer the question – I did not always know I wanted to work in legal aid, but I did know that I am passionate about my community and want to do something to help others. I grew up in the Inland Empire and have seen certain areas' growth and other areas' stagnation and decline. As a first-generation college student and daughter of a single parent, I witnessed my family struggle and saw firsthand the challenges that families in poverty face. I know what it is like to worry about necessities like food and housing stability and ultimately not having the time or knowledge to seek help with direct legal issues that come up in life. Something as simple as a bill that goes unpaid for a few months, fees add up, even-

tually going to collections and turning into a civil case. Fortunately, a default is not too frightening because there are no assets to collect against, which nobody knows until wages are garnished or bank accounts levied. So, it seems more accessible for a family who cannot afford the original debt to ignore the lawsuit rather than seek help they believe they cannot afford. Rather than rocking the boat with a landlord, you are already behind in rent, and you deal with the substandard living conditions. All the while getting extensions on utilities, rushing to make payments the day of the shut-off notice, and not always making it on time – which then costs exponentially more to have those utilities turned back on. Being poor is genuinely one of the most expensive experiences – leaving little time to deal with the understanding that you have legal needs that should be addressed and trying to figure out where you can get help for those needs.

Now, add all that to the fact that the law is complex and daunting. It can be difficult for people in poverty to understand their legal rights and how to protect them. These are the reasons why I chose to work at ICLS.

I shared a bit about my story and what brought me to ICLS, but all my co-workers brought their experiences and stories to their positions. Whether they work as a housing paralegal, a public benefits advocate, or an attorney on our health law team, the reason they are working at ICLS is unique and usually fueled by a deep desire to give back to our community and serve others. What I appreciate most about ICLS is the staff. With passion and personal experiences, our advocates have genuine compassion and empathy toward our clients. Advocates seek to understand holistically what our clients are experiencing and if there are other legal needs we should address through one of our other practice groups, sometimes without the client even understanding that there is another legal need.

Here are a few specific examples that I am personally familiar with of how ICLS truly listened to clients and assisted clients with several legal issues:

- ICLS helped a young man to get the disability benefits that he needed to support himself. While discussing his disability with an advocate, he mentioned that he was having issues finding housing because of a past conviction – we sent a referral to our Pro Bono team for assistance with expunging his criminal record.

- ICLS helped a grandmother get legal custody of her grandson after his father developed a drug addiction and abandoned him. During this call, we discovered that there were concerns related to safety, and we referred to the family law team for assistance with a domestic violence restraining order.
- ICLS helped a senior citizen get the help he needed to stay in his home and avoid foreclosure. He mentioned concerns about healthcare expenses and coverage, and a referral was made to another advocate for assistance with public benefits and healthcare coverage.

I believe that providing free legal services helps to create a more just and equitable society and:

- Reduces the burden on public resources;
- Promotes economic security and stability; and

- Helps to build stronger communities.

ICLS is a necessary asset to the community, and I am proud to be a part of an organization dedicated to serving others and giving back.

*Veronica J. Garcia is a staff attorney and pro bono coordinator with Inland Counties Legal Services. Before ICLS, Veronica worked at the Inland Empire Latino Lawyers Association, where she also enjoyed serving Inland Empire communities. Veronica also serves as Secretary of the Hispanic Bar Association of the Inland Empire and tries to stay engaged through various local volunteer organizations. Veronica keeps busy attending concerts, musicals, theater events, and museums or taking her son and nieces to community events trying to expose them to as much opportunity as possible.*



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# “There’s Magic in the Air” – Charitable Giving and Its Benefits

by Andrew Gilliland

During the holiday season, thoughts often turn to freely giving to others whether through treats to trick-or-treaters, food during the Thanksgiving period, or holiday gifts in December. A general spirit of giving permeates society like no other time of the year. Perhaps Kermit the Frog captures it best in the 1992 film *The Muppet Christmas Carol* song “One More Sleep ‘til Christmas:”

There’s magic in the air this evening  
Magic in the air  
The world is at her best, you know  
When people love and care

Giving is often synonymous with loving and caring as Kermit reminds us of as he dances his way home on Christmas Eve from the dreary workplace created by Ebenezer Scrooge.

Another song that captures the spirit of loving and caring is the oddly titled song “Do They Know It’s Christmas?” Penned by Bob Geldof and Midge Ure in 1984 to raise money for the famine in Ethiopia and recorded by Irish and British popstars in London, the main chorus and the B-side of “Do They Know It’s Christmas?” pleads for the listener to “feed the world” repeatedly. The repetitive chorus often gets stuck on the listener’s head (and I apologize if that just happened to you). Not to be outdone, popstars in the United States recorded “We Are The World” to raise funds for the Ethiopian famine as well. I have often found the title “We Are The World” an interesting choice of words after Geldof and Ure pled to “feed the world.” Were the writers of “We Are the World,” Michael Jackson and Lionel Richie, oblivious to the connection between the plea “feed the world” and the response “we are the world”? At any rate, both songs seek to tap into the spirit of loving and caring through giving to others. This article will explore some personal benefits of loving and caring enough to give charitably.

Let’s start with money. There are potential financial benefits for giving in the form of tax incentives provided by the Internal Revenue Code. Charitable donations are generally not too difficult to understand for the taxpayer. Charitable donations in the form of cash or property typically involve two principal recipients that are set forth in Section 170(c) of the Internal Revenue Code as a governmental entity (with the funds being used for “public purposes”), or the more typical “charity” such as a corporation, foundation, or church that qualifies under Section 501(c)3 of the Internal Revenue Code. If you donate to a qualified entity, you could receive a deduction up to 60% of your adjusted gross income and generally the fair market value of any donated property with

some adjustments that may need to be made depending on your situation. For donations in the amount of \$250 or more, you must keep a written acknowledgement of the amount and the goods provided that is signed by the recipient. There are also reporting requirements such as Form 8283 for non-cash contributions that exceed \$500. The deadline for any charitable donations is midnight on December 31st of the applicable tax year. Thus, one personal benefit is giving and getting back in the form of tax deductions on your payments to the Internal Revenue Service.

If a 60% deduction or the fair market value of the amount you donate does not motivate you,<sup>1</sup> another personal benefit to charitable giving is expressed by the lyric in “Do They Know It’s Christmas?” “Well tonight thank God it’s them instead of you.” Being able to give allows you to appreciate your position of being able to give usually through your work and efforts as well as your sound financial decisions. As you reflect on your position, you may feel what is called an “attitude of gratitude.” This attitude of gratitude may provide perspective to you on the work you have done, the benefits you have received, and the position you have been given. Perspective can also help counterbalance the stresses of being an attorney (and as we all know there are many stresses) by focusing on the journey taken to obtain your position. It is a lot of work to become an attorney. It is a lot of sacrifice of time, money, and energy to become a member of California State Bar (and to maintain being a member). In desiring to give, we can show our gratitude for our journey and our present and show that we love and care.

Gratitude can also lead to humility, a word that is not typically focused on in the legal arena. The act of giving manifests the attitude of gratitude by allowing you to participate in a cause that is bigger than you and can make a difference. In “We Are the World,” there is an often-repeated phrase: “There’s a choice we’re making; We’re saving our own lives.” Michael Jackson and Lionel Ritchie, two great lyricists, succinctly explain that charitable donations really benefit us just as much or more than the recipient. With the right perspective and attitude, charitable giving can indeed help you in saving your own life. The last line in the chorus to “We Are The World” reminds us “It’s true we make a better day just you and me.” Within each of us, no matter how big or small, is the opportunity to engage in charitable giving through cash or property donations or also through dona-

<sup>1</sup> There is a long history of debate as to whether removing the charitable deduction incentive would lessen charitable deductions. e.g. Reich, Rob, *Would Americans Make Charitable Donations Without Tax Incentives*, Stanford Social Innovation Review, Winter 2005. [https://ssir.org/articles/entry/would\\_americans\\_make\\_charitable\\_donations\\_without\\_tax\\_incentives](https://ssir.org/articles/entry/would_americans_make_charitable_donations_without_tax_incentives).

tions of our time (unfortunately you cannot deduct your time as a charitable donation). A better day and a better world is something we can all benefit from.

Charitable giving is a wonderful practice. As the year winds down, hearts often turn to giving to others. There are many benefits to giving such as tax incentives, attitude adjustments, and the day-to-day benefit by creating a better day and a better world. As he fades away, the Ghost of Christmas Present in *The Muppet Christmas Carol* pleads with Mr. Scrooge:

It is the season of the heart  
A special time of caring  
The ways of love made clear

It is the singing of the spirit  
The message if we hear it  
Is make it last all year

Who doesn't want to live in world that is loving and caring every day of the year? Charitable giving of donations, time, and attitude are a step we can all take in that direction.

*Andrew Gilliland is a solo practitioner and the owner of Gilliland Law, APC. Andrew is the co-chair of the RCBA's Estate Planning, Probate and Elder Law Section and a member of the RCBA's Publications Committee.*



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# A Flag for Every Hero

by Herman Lopez

A flag for every hero seems like an appropriate recognition for anyone deemed a hero, but in this case a U.S. flag to recognize and pay tribute to military personnel, veterans, and their families takes on an additional meaning. A Flag For Every Hero is a program under the Honoring Our Fallen umbrella and is dedicated to recognizing the service of our U.S. service members who are interred at the Riverside National Cemetery (RNC). Placing flags on gravesites, especially during Memorial Day and Veteran's Day, is a tradition dating back to the late 1860s, post-Civil War.

In the case of the Riverside National Cemetery, the tradition of placing flags was initially undertaken by various smaller groups who would cover portions of the thousands of gravesites. In 2012, Brennan Leininger recognized the need to organize volunteers to honor the service of all service members who are laid to rest at RNC. Working with Honoring Our Fallen, the program grew steadily over the years to the point it is now, with a U.S. flag being placed on each gravesite. RNC is currently the nation's busiest national cemetery. As of October 2023, 290,000 service members, their spouses and children are laid to rest at RNC.

Although this honorable tradition is straightforward, it is only with the assistance of hundreds of volunteers that the flags are placed and recovered for Memorial Day and Veteran's Day every year. On average 400-500 volunteers assist the day of the events. Volunteers range from families, church and social groups, youth groups, and corporate volunteers. What is not seen normally by most is the work taken on by a core group of volunteers who dedicate countless hours to preparing the flags and grounds for the events. These dedicated volunteers map the cemetery to ensure sufficient flags are placed throughout the various sections of the cemetery. They organize corporate groups, use their own vehicles to place and recover hundreds of bins loaded with flags. There is a small army of volunteers who have work parties throughout the year to rehab flags; and for those flags that have completed their service they see to it they are properly retired. All of these volunteers, along with the hundreds from the community, coming together to do what is right, to honor the service of Americans who pledged an oath to defend our country, at times at the cost of their own lives. On the day of the events, we come together as Americans, putting aside politics,



Riverside National Cemetery

photo courtesy of Jacqueline Carey-Wilson

opinions, and anything else which seems insignificant when overlooking these sacred grounds.

Each event begins with an opening ceremony at 8:00 a.m., held at the amphitheater with a presentation of the colors. Volunteers are welcome and receive instructions on the proper placement of the flags and decorum while on the grounds. From there volunteers are free to select an area of the cemetery where they would like to place the provided flags. Flag placement begins precisely at 8:30 a.m. All members of the community are welcome to assist and there is no need to sign up ahead of the events; however, volunteers are strongly encouraged to not only assist with the placing of the flags, but also the recovery as historically fewer people volunteer for this portion and recovery is more labor intensive.

Donations to purchase flags are also encouraged and can be made at [honoringourfallen.org](http://honoringourfallen.org). All flags are made in the United States.

*In January 2023, Herman Lopez took over the Flag For Every Hero program from Brennan Leininger. He assumed the program to honor his son, Hunter Lopez, who was laid to rest at RNC in September 2021, and all who are laid to rest alongside him. As a gold star father, Mr. Lopez says the honoring of our fallen marines, soldiers, sailors, and airmen at RNC is an honor and privilege. His mission is to honor his son and the service of all our fallen heroes.*



# Lahaina

by Lori Myers

I visit Maui regularly and it was my first trip back to the island since August 8, 2023. It is a lot to take in. Being over on this side of the island with so much devastation, I can see why the locals are screaming to hold off tourism.

There are several neighborhoods without power and still do not have water to take showers, clean dishes, let alone drink.

The residents just barely saw the reopening of the local grocery store, Safeway. The rest of the stores are not open but are slowly trying to get there. They are short staffed and exhausted just from trying to survive. Do not expect them to chat with tourists. They are just trying to keep it together for their work shift.

There is no problem driving to this side of the island. There are no checkpoints you must go through. They have fences up to block being able to see the major burn areas with police staggered every 50-feet to make sure no one stops to take pictures. There is one small spot you drive past without fencing. It is overwhelming to see the burned cars and all the ashes of what used to be longtime Hawaiian homes.

The Hyatt and Sheraton in Kannapali are housing many locals. You see kids walking with their parents to their temporary school. I can see how this is going to be awkward when tourists come. They will get drunk and not be aware of how many people around them are just struggling to get through the day.

As with so many things – the scammers always come out in a crisis. There is also major price gouging for many needed items.

The locals used to pay \$20-\$40 for a rental application. Now it is \$95 just to apply to rent here and owners are getting dozens of applications.

So many rentals do not take pets. All these locals with their pets are struggling to find a place to call home.

There was a homeless problem before the fire. Apparently since the fire, most of them were given immediate housing and the hotels have sustained some serious damage from the homeless urinating in the elevators and off the hotel balconies. There is always someone who ruins it for everyone else.

The people who do have places to live took in other families, and people are living up to 8-10 people in a household, just trying to figure out what to do next. Those who did not have renters or homeowners' insurance are definitely needing the most help right now. Two days ago, another deadline passed that resulted in many people losing their hotel housing.

I definitely do not have the answers to all the problems, but I can say if you plan on visiting Lahaina and soaking up the "aloha" the island delivers, be sensitive to what is happening around you and find somewhere to volunteer.



Lori Myers with Jane, a volunteer from the island.

There are a ton of places to volunteer. They need people to serve and deliver meals. If you have any type of trade skills – plumbing, electrical, contracting, handyman skills – they need you badly. They are building temporary homes and need help.

In some places, you need to fill-out forms to volunteer ahead of time. The Maui Humane Society allows walk-in volunteers seven days a week.

There is never a bad time to come to Lahaina. But seriously consider giving this island a few hours of your day. They need volunteers everywhere.

In addition, please consider not doing the normal route where you go to the grocery store and try to save money and cook in your condo. Eat out, tip generously, and buy local. Save the groceries in the stores for the locals. Go to the local coffee shop. Stop and eat at the food trucks. Support the locals.

They really need gift cards. Many of the workers had all their tools burned. Home Depot, Lowe's, and Costco gift cards are appreciated.

During my stay on the island, I successfully delivered 600 pounds of cat food to Lahaina. After volunteering, I learned a lot about the animals in Lahaina. Obviously, they are traumatized. If you have been here, you know how many cats live here. The ones that survived are severely traumatized and still struggling. Thankfully there are many good humans trying their best to help. If you have a chance to travel to the island, please consider being one of them.

Lori Myers is a local private criminal defense attorney, founder of the Warrior Attorney Academy®, and the immediate past president of the RCBA.



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# In Memoriam: Gerald D. Polis

by Steve Harmon

## *The Thousandth Man*

by Rudyard Kipling

*One man in a thousand, Solomon says,  
will stick more close than a brother.  
And it's worth while seeking him half your  
days  
If you find him before the other.  
Nine hundred and ninety-nine depend  
On what the world sees in you,  
But the Thousandth Man will stand your  
friend  
With the whole round world agin you.*

*'Tis neither promise nor prayer nor show  
Will settle the finding for 'ee.  
Nine hundred and ninety-nine of 'em to go  
By your looks, or your acts, or your glory,  
But if he finds you and you find him,  
the rest of the world don't matter;  
For the Thousandth Man will sink or swim  
With you in any water.*

*You can use his purse with no more talk  
Than he uses yours for his spendings,  
And laugh and meet in your daily walk  
As though there had been no lendings.  
Nine hundred and ninety-nine of 'em call  
For silver and gold in their dealings;  
But the Thousandth Man he's worth 'em all,  
Because you can show him your feelings.*

*His wrong's your wrong, and his right's your right,  
In season or out of season.  
Stand up and back it in all men's sight  
With that for your only reason!  
Nine hundred and ninety-nine can't bide  
The shame or mocking or laughter,  
But the Thousandth Man will stand by your side  
To the gallows-foot - and after!*

Jerry was my Thousandth Man. He was my hero. He was my mentor. He was my best friend.

I have three sisters. I am the only boy in my family. I never had a brother until I met Jerry. And, I loved Jerry like a brother; I loved him more than a brother.

We are all feeling such a great loss today because Jerry was so great. And, what made Jerry so great was that he lived and loved so greatly.

A long time ago, when I was a very young lawyer, I was talking to Jerry late one night about what it meant to be a lawyer. I idolized Jerry – he was my ideal of a



Gerald D. Polis  
1941-2023

lawyer. It was a time when I wanted to be the world's greatest criminal defense lawyer – and, I wanted the whole world to know it. I remember that night asking Jerry how he would want to be remembered when he died. I said: "You probably would like to be the greatest lawyer in the world, I guess." But, Jerry shocked me when he said: "No, that really doesn't interest me. What I would like is to be remembered for being a good husband and a good father." As always, Jerry was true to his word. He was a wonderful husband to Bonnie and Beth. And, he was a wonderful father to Lindsay and Kevin. He was the inspiration and the spark and the guiding force in his family's life and made a wonderful life for them.

Jerry did so much for so many people. During his career as a criminal defense attorney, Jerry literally saved the lives of countless people. He brought order and calmness to lives out of control. He gave a second chance to people even when they did not deserve it. He set countless young men and women on the right path to leading productive lives even when their own parents could do no more. He gave dignity and hope to even the worst of the worst.

What is sad is that not every one of these people Jerry helped can today even remember his name or that they owe it to him that their lives are good today. However, that wouldn't matter to Jerry because he never did these things for the glory of it – he did it because it was the right thing to do. I never heard Jerry ever ask for praise or saw him discouraged when it didn't come his way. He didn't need it because he was already busy helping someone else who was in trouble. This was Jerry's life's work.

In over 50 years as a lawyer, I've never seen a more elegant and eloquent lawyer – ever. Jerry was the very best lawyer I ever saw.

Jerry's life was rich and full because he made our lives so rich and full. He certainly was exceedingly generous with me. I felt as if I got more from him than anyone else, though I know everyone feels that way too. That was part of his magic.

I miss Jerry. Even though he could be a world-class curmudgeon – I miss him. I even miss him yelling at me:

- "Make sure the tailor gives you 1½ inch cuffs." For decades, I have always had 1½ inch cuffs.
- "The trunk of your car is so cluttered with junk. I can't believe I have a friend with such a junked-up trunk. Clean it up!" Ever since then I have had the cleanest trunk around – ask my granddaughters.
- "Why are you calling me in the middle of the night? I've been asleep for hours." It was 7:30 p.m.

- "You're worried about trying that stupid case. I've tried 100 worse." And, he had.
- "That's all the money you got for that case? You need to think more of yourself." I still struggle with this.
- "I can't believe you would send your son to USC – I hate USC!" Jerry was a huge Notre Dame fan.

Jerry was a curmudgeon alright. But, that's how mentors are. That's how life-lessons are taught.

At the end of our lives, we all want to feel that our lives had meaning – that we made a difference – that our lives were complete. I can't think of a life more complete than Jerry's. He filled his cup of life to the brim, and it was overflowing. He gave life and us everything he had. He gave us his passion. He gave us his energy. He gave us his honesty. He gave us his love – sometimes tough love. He gave all of us just what we needed from him.

It's been said that death always seems to come in the middle of a story. That's certainly how it feels losing Jerry. It just feels as if Jerry's story has so many more chapters left for us to enjoy. But, I think this means that it is now up to us to write those remaining chapters. It's up to us to live how Jerry taught us how to live – with passion, with energy, with honesty, and with love.

So, rest peacefully, my brother – you deserve it. We will take it from here. We can do that now because you have shown us the way.

Only one man in a thousand can do that.

*Steve Harmon is the Public Defender for the County of Riverside and a past president of the RCBA.*



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# Understanding the Israeli/Palestinian Crisis

by DW Duke

October 7, 2023, was a normal day for twenty-three-year-old Shani Louk. Shani, a tattoo artist from Germany was visiting a peace rally in Israel called the Supernova Festival, which is a celebration of the end of Sukkot. As Shani danced with her friends, she did not even notice the thousands of Hamas militants who arrived without warning and began killing as many people as they could find. Shani was one of the victims. After killing Shani, the Hamas militants stripped off her clothes and paraded her naked body through the streets of Israel in the back of a pickup truck while cheering and shouting "Allahu Akbar."



*On October 7, 2023, twenty-three-year-old Shani Louk was murdered by Hamas who paraded her naked body through the streets of Israel in the back of a pickup truck.*

Shani was one of the victims of the Hamas assault that resulted in the death of over 1,400 people in Israel with several thousand more injuries. The massacre brought immeasurable grief around the world. Many supporters of Palestinians were shocked and grieved that their champion, Hamas, would engage in such a brutal slaughter. Others doubled down and adopted the mantra "Free Palestine by any Means." On the Jewish side of the conflict were the questions why did this happen? Why do they hate us so much? What did we do to deserve this? Ironically, the Supernova Festival was intended to be a peace rally to support peaceful relations between Israel and Palestine. Hamas was fully aware of the purpose of the festival given that it was widely promoted, yet Hamas attacked the festival anyway killing hundreds of attendees. The question is why.

Having closely observed the conflict between Israel and Palestine for decades it occurred to me that modern media provides very little information about the actual dispute between these people, which results in widespread ignorance of the issues. For example, in listening to discussions about the conflict, it is apparent that few people are aware that the Palestinian Authority and its adversary Hamas, are branches

of the militant groups of the Grand Mufti of Jerusalem Muhammed Amin al-Huseini, who was the co-author, with Adolph Hitler, of the Nazi plan to concentrate and exterminate all Jews in Europe, then do the same in Palestine.

Prior to the attack on October 7, I had been assisting families in Palestine to obtain food and medical care. During our conversations, I had occasions to discuss their situation in depth. I learned that in one family, the father was disabled due to an injury sustained in a military conflict with Israel. One of their sons was also disabled and the mother was the sole source of income. The mother sells fruits and vegetables from a fruit stand at the side of the road. She explained that medical care is unavailable, except to the wealthiest families, and wealth is determined according to one's rank within Hamas or within the sphere of Hamas's influence.

The mother advised that their life is better than many, but nearly everyone lives well below the poverty level. Food is difficult to obtain and is available only if one is willing to work very long hours. She said there is no hope for anyone in Palestine. Dying is easier than living under these circumstances, which is the reason so many Palestinians are willing to die in Shaheed, such as a suicide bomber. "Life is so bad, they don't care."

Because we never knew how secure our communications were, these families were very careful not to discuss government or politics except to occasionally say, "Ours is not to ask why." But without full information, one mother did say that she blames Israel for the situation in Palestine. She said she was taught from as far back as she can remember that Palestinians live for only one purpose, and that is to kill all Jews. When I asked her why, she said it is because Jews want to kill them. As I began sharing with her that I was working with an Israeli organization called Seventy Nations, Jerusalem, to develop a medical clinic to provide free medical care to Palestinians, she could not understand why we would do such a thing. She could not understand why Jews would do anything to help them because this concept did not fit within her cognitive paradigm that Jews and Palestinians exist for the sole purpose of killing each other. She further stated that Hamas has taught them that the only reason Israel has not killed every Palestinian is because Hamas protects them. She admitted that this does not square completely with what she has learned on the internet, but she believes information on the internet is propaganda.

Many protest the actions of Israel as brutal in responding to aggressions by Hamas. Allegations of use of white phosphorus once again abound though Israel denies such use. But this raises the question on the Israeli side, what should Israel do? Every sovereignty has the right and the obligation to defend itself and its citizens from aggressors. In this short essay, we will look at a capsule history of the area today known as Israel to better understand the problems that exist in this region. In

so doing, we may be able to achieve a better understanding and a path forward in seeking a resolution.

### **Ancient Israel**

The region of the world we now call Israel has been the subject of a disputed claim of entitlement for thousands of years. For the Jewish people, the land of Israel is the promised land given to Moses and the Israelites by God around 1450 BCE. Israel did not always remain under the exclusive control of the Jewish people, though there has never been a time when Jews were not in Israel since the recorded first arrival. Proof of the Jews in Israel has been found in archaeological digs dating back to 900 BCE.

In 578 BCE, Israel was invaded by the Babylonians and remained under occupation until the reign of Cyrus the Great, who returned Israel to the Jews and gave them passage throughout Persia and to Israel. Alexander the Great conquered Israel in 333 BCE, which brought it under the government of the Greeks. In the year 165 BCE, the Jews reclaimed Judea though within one hundred years the land had been conquered by the Romans. During this period, the second temple was built in Jerusalem. In 70 CE, the Jews revolted, but were subdued and during this revolt the second temple was destroyed. In 133 CE during another revolt the Jews were taken into slavery. This was the beginning of the modern Jewish diaspora.

In the year 638 CE, the Muslims conquered Jerusalem. Approximately 20 years later, Omar, the second caliph of Islam, built the al-Aqsa mosque, which is considered the third holiest place in all Islamdom. Other than in the years 1099-1187, the brief period when Jerusalem came under control of the Crusaders, the area we today call Israel remained under Muslim occupation until the 20th Century when it was reclaimed by the Jews. However, even during the period it was under Muslim control there were always Jews in Israel, and the Jews never surrendered their land even while under occupation.

### **Modern Israel, the Palestinian Authority and Hamas**

In the late 1800's, European antisemitism was on the increase. Jews were subjected to various forms of persecution and were often deprived of basic opportunities of life. As persecution became increasingly intense a decision was made that the time had come to reclaim the land believed to have been given to the Jews at the time of Moses. Impetus for this migration was largely a response to a book by Jewish journalist Theodor Herzl, written in 1896, called *Der Judenstaat* (The Jewish State). In light of this desire to secure a Jewish state, Jews began migrating from Europe to Palestine (today known as Israel) and by the beginning of the 20th century there was an estimated 25,000 Jews living in Palestine. As 1915 approached, that number had increased to over 70,000. These early immigrants became known as the Zionists. In 1917, British Foreign Minister Arthur Balfour sent a letter to Zionist leader Lord Rothschild, which became known as the Balfour Declaration. In this letter, Balfour assured the Zionists that Britain would support the establishment of Palestine as the national home of the Jewish people.

By 1935, the number of Jews in Palestine had reached 300,000 which was nearly half the number of the native Palestinians living in the region. Some Palestinians welcomed the Jews and saw this as an opportunity to enrich their culture and commerce and to benefit from the Jewish connections to Europe. Others however, who did not wish to see the Jews moving into their homeland, sought to prevent them from

immigrating to Palestine. Some believed for religious and others for ethnic reasons that the Jews were not entitled to live in the land that had been the home of Islam for over a thousand years. It is here that the seed of disharmony was planted hand in hand with ethnic discrimination in both the Arabs and the Jews.

On the side of the Jews at this time there were the secular Zionists and the religious Zionists. Many of the secular Zionists felt that the land had to be cleansed of all non-Jews in order to avoid the threat of persecution that was experienced in Europe. And many religious Zionists were of the belief that the Oral Torah precluded the possibility that non-Jews should be permitted to live in the reformed land of Israel. From 1920 until 1947 Britain had governed Palestine. In an effort to remove itself from the enigma of governing such a tumultuous region, Britain surrendered its control to the United Nations in 1947. In an effort to address the conflict, the United Nations proposed two separate nations, Palestine and Israel. Under this plan 56.47% of Palestine was to be given to the Jews and 43.53% was to be given to the Arabs. Jerusalem was to be treated as international territory. Meanwhile hundreds of thousands of Jews were fleeing Europe to immigrate to Israel.

Over time Arab resistance to the immigration of Jews began to increase. Much of the Arab resistance to Jewish immigration was the result of the actions of the Grand Mufti of Jerusalem, Muhammed Amin al-Huseini. Al-Huseini was born in the 1890's. He was the son of the Mufti of Jerusalem who was a member of one of the most powerful families of Palestine. Muhammed Amin al-Huseini studied at al-Azhar University in Cairo and the Istanbul School of Administration. He quickly became known as an extremist whose instructions were to slaughter all Jews. The Palestinian High Commissioner from Britain was heavily influenced by anti-Zionists in Britain and he appointed Muhammed Amin al-Huseini to serve as the Grand Mufti of Jerusalem in 1922, despite his known hatred and violence toward Jews. As time passed the Grand Mufti became extremely powerful. He issued an edict called "Izbah Al-Yahud" which means "Slaughter the Jews." But it



*Muhammed Amin al-Huseini, the Grand Mufti of Jerusalem meeting with Adolph Hitler on November 28, 1941, at the Reich Chancellory in Berlin. (Source: Documents on German Foreign Policy 1918-1945, Series D, Vol XIII, London, 1964.) Al-Huseini urged for an agreement between the Arab nations and Germany with an ultimate goal of the complete extermination of all Jews. After the Jews were eliminated in Europe Germany, Germany would join forces with Arab nations in the Middle East to exterminate all Jews there. In January of 1942, Hitler announced the Final Solution, which included a plan for the concentration and extermination of all Jews.*

was even worse for Arabs who would not support his plan. They were tortured and killed by the thousands until there was almost no one left who opposed the Mufti, except those who remained silent for their own safety. With the support of Britain, Muhammed Amin al-Huseini was simply too powerful for anyone to oppose, and his murdering of the Jews grew increasingly difficult to prevent.

In April of 1936, six very powerful Arab men formed an organization called the "Arab Higher Committee." This organization was created to oppose the immigration of Jews into Palestine and to oppose those in Britain who had begun to turn their support toward the Zionists. In that year, Arab revolts broke out all over Palestine and many Jews were killed, along with Arabs who had befriended the Jews. The Grand Mufti joined forces with Adolph Hitler in 1937, appealing to Hitler's own hatred of Jews. According to information discovered during the Nuremberg Trials, the Grand Mufti was the person most influential in persuading Hitler to begin the concentration and extermination of the Jews in Europe in what we today call the "Holocaust." The plan was that if Hitler succeeded in Europe, he would take his armies to Palestine to kill all the Jews there. Eventually, the "Arab Higher Committee" was declared a terrorist organization by Britain after assassinating the British Inspector General of Palestine and killing scores of both Arabs and Jews.

The Grand Mufti Muhammed Amin al-Huseini was forced into exile in Syria, then in 1941 he moved to Berlin where he worked closely with Adolph Hitler in the concentration and extermination of the Jews. Muhammed Amin al-Huseini never returned to Palestine after his 1937 departure, and he died in 1974 in exile from Palestine, which by then had become known as Israel. During his life, he was in strong opposition to the Hashemite family of Jordan and in 1951, he arranged the assassination of King Abdullah I of Jordan because he had given the title of Grand Mufti of Jerusalem to another person. In 1969, the organization of Muhammed Amin al-Huseini, which became known in 1964 as the Palestine Liberation Organization, was taken over by his nephew Mohammed Abdel-Raouf Arafat As Qudwa al-Hussaeni, better known as Yasser Arafat. Until his death, Yasser Arafat still referred to his uncle as "our hero al-Huseini."

Jewish forces and Arab forces were in constant clash with the Israeli forces showing the greatest success. On April 9, 1948, the Irgun and Lehi militia groups massacred hundreds of Arabs at the village of Deir Yassin near Jerusalem. On May 14, 1948, Israel officially declared itself to be a nation and the declaration became effective on May 15, 1948. On that same day, armies from five Arab nations, Jordan, Egypt, Lebanon, Syria and Iraq attacked Israel, but were defeated. Subsequent to this confrontation, Egypt retained control of the Gaza Strip and Jordan retained control of the area today called the West Bank. Tension between Israel and the Arab nations continued to grow until June 5, 1967, at which time a major military conflict ensued which became known as the Six Day War because it only lasted six days. The attack was intended to be a secret attack by the Arab forces against Israel, but Israel learned of the plan and issued a preemptive strike against Egypt, disabling the Egyptian Air Force. By the end of the conflict, Israel had seized control of Gaza and Sinai from Egypt and Golan Heights from Syria in the north. Jordanian forces had also been forced out of East Jerusalem and the West Bank. As a result of the Six Day War, Israel's territory of

control nearly doubled and the United Nations estimated that over 500,000 Arabs had been displaced from their homes.

Under the influence of Yasser Arafat, the Palestine Liberation Organization (PLO) ruled Palestine with an Iron Fist. In 1987, an organization was formed called Hamas, whose sole objective was to kill all Jews and eradicate all traces of the nation of Israel. Hamas grew more powerful and in time became a rival organization of the PLO. While the PLO was known to be ruthless in its actions, Hamas was known to be worse. The rival organizations continued to clash throughout the 1990s and well into the Twenty-First Century. During this time, members of the PLO and Hamas would kill Jews every opportunity that arose. When Israel would retaliate to an attack with military force, Hamas and the PLO would immediately accuse Israel of war crimes. Because Hamas and the PLO strategically placed their military assets in civilian areas, such as hospitals, mosques and private homes, the casualties among Palestinian citizens were always very high.

### **The Propaganda Campaign**

In the 1980s, as oil production brought billions of dollars into Arab nations, a massive anti-Israel campaign was launched throughout the world. The objective was to portray Israel as the aggressor while downplaying the abuses by the PLO and Hamas. Part of the campaign included filming Israel's retaliation to assaults by the PLO and Hamas without revealing the acts to which Israel was responding. Simultaneously, the anti-Israel nations began to acquire positions of authority within the United Nations, resulting in a massive number of resolutions against Israel while the abuses of other nations were ignored. As a result of this PR campaign, much of the Western world developed an image of Israel as the aggressor, with Palestinians as innocent victims. While some of the allegations were undoubtedly true, much of the claims against Israel were staged or completely false. In 2007, Reuters photographer, Adnan Hajj, was discovered to be digitally altering photos to give the impression that Israel was engaged in war crimes. Hajj was terminated by Reuters, but he was only one of many journalists who participated in the anti-Israel campaign with fabricated evidence.

In the year 2000, Yasser Arafat and Saddam Hussein joined efforts and began offering rewards of \$25,000 to any Palestinian family who was willing to sacrifice a family member as a suicide bomber in Israel. Many families would gladly offer up a family member for the benefit of the rest of the family and sometimes the sacrificed individual was just a toddler or a baby with a bomb wrapped in its blanket. The number of Israeli deaths skyrocketed immediately and remained high until Israel completed its border wall in 2006. The death of Yasser Arafat from a subdural hematoma in 2004 and the completion of the border wall in 2006, resulted in a time of hope for both Israelis and Palestinians though it was short lived. Mahmoud Abbas soon took control of PLO, the Palestinian Authority, and Fatah. Abbas was criticized for not condemning Israel's retaliation against Hamas assaults into Israel. In time, Abbas began to seek a non-violent resolution to the conflict between Israel and Palestine, while Hamas continued the mantra of the Grand Mufti "Izbah Al-Yahud" or "Slaughter the Jews."

In 2006, Hamas sought to participate in the elections in Gaza. Both Ariel Sharon and Mahmoud Abbas strongly opposed participation by Hamas. President GW Bush strongly believed that given a chance for democracy, people would

naturally elect the best option. His strategists calculated that Hamas would receive no more than 20% of the seats in the parliament and he threatened to cut off aid to Palestine if Hamas was not permitted to participate. Much to everyone's dismay Hamas took over 56% of the seats of parliament and as soon as they took power in 2007, they began executing everyone who opposed them, including party opponents.

While the border wall between Israel and Palestine was effective in reducing the number of terrorists crossing the border to assassinate civilians and the number of Israeli deaths dropped drastically, Hamas would frequently engage in rocket launches into Israel often resulting in the deaths of civilians. It is commonly said that Israel occupied Palestine during this period from 2006 through the present date, but this is a matter of dispute. After Palestine was taken over by Hamas, Israel essentially ceased all activities in Palestine except in response to rocket attacks from Hamas. Unfortunately, Hamas hides their military installations in public facilities such as hospitals and schools to increase the civilian death toll. As a result, the death toll among civilians is often very high when Israel retaliates in response to assaults. This again plays well into the propaganda campaign of Hamas. So, the reality is that in terms of traditional occupation Israel does not occupy Palestine. However, Israel does control the land, air and sea in around and above Gaza and all ports of entry. Some argue that this is a form of occupation. Israel says it has no choice because Hamas wants to kill them and if they open their borders to Palestinians, there would be massive terrorist activity again.

#### Resolution

This standoff between Israel and Palestine creates an untenable situation that needs to be resolved. But with a government immediately next door whose sole objective is to annihilate Israel and kill every Jew, assimilation with Palestine is difficult for the Jews to achieve. The question for all of us to consider is what is the best course of action in the conflict between Israel and Palestine?

The reality is that Hamas is an organization that carries the same genocidal objective as Adolph Hitler, which is to murder all Jews. Indeed, the predecessor of Hamas developed the framework for the Final Solution with Adolph Hitler when they entered into an agreement on November 28, 1941. Hamas uses human shields and places its military installations in civilian locations, so the death toll is high when Israel retaliates. Quite simply, as long as Hamas and other terrorist organizations exist there can be no peace in the Middle East. If Israel relaxes its guard and opens the border crossings, then Israel would be faced with rampant acts of terrorism. Yet, if Israel keeps the border crossings limited, then Israel is accused of human rights abuses. In short, Israel is between a rock and a hard place.

Under the United States Constitution, we acknowledge the freedom of association, and we loath to tell people they cannot be part of certain organizations. The exception is organizations that are considered subversive and dangerous. The critical point for Israel is to remember that they are at war with Hamas, not the Palestinian people. Efforts taken to destroy Hamas, should be as surgically precise as possible to minimize collateral damage and the loss of civilian life. Before bombing in a particular area, Israel typically notifies the local Palestinians in advance. Although Hamas often prohibits people from leaving, this at least saves some Palestinian

lives. However, the loss of property is clearly devastating. Hundreds of thousands of people lost their homes and other buildings from the bombings. Given that property insurance is unavailable in these war-torn countries, these families have simply lost everything they own.

Once Israel finishes its current objective of eliminating Hamas, the next critical step is to help restore the Palestinian people to a reasonable standard of living. Indeed, with cooperation and effort, the Gaza Strip should become a world class coastal resort. It will not be easy, but peace between Palestine and Israel can be achieved within our lifetimes. That should be the goal of Israelis and Palestinians.

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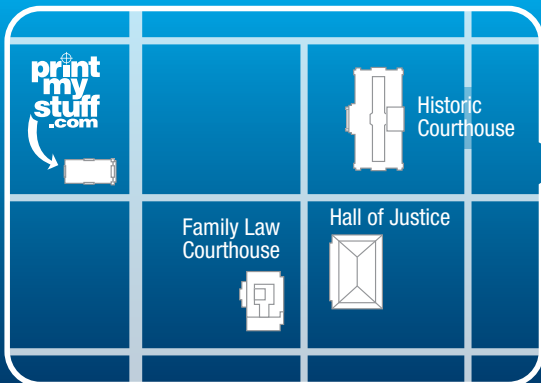
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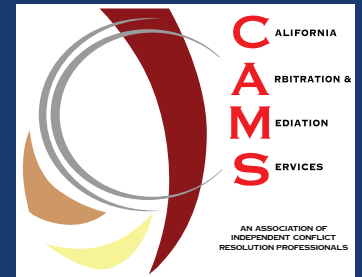
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