

A Tradition of *Progress*

DANIELS

Arizona's judicial history echoes the pioneering spirit of the first American settlers to break ground in her fertile soil. Though barely a century old, it is an epic story of individuals blazing a trail through seemingly insurmountable obstacles, all in the pursuit of one unifying goal...a better life not only for themselves, or their families, but for *all* Arizonans.

LOCKWOOD

TANG

Join us in a celebration of the lives of seven prominent members of Arizona's judiciary. Learn about the impact their careers have had on not only Arizona's government, but that of the entire nation. The Committee on Judicial Education and Training (COJET) and the Education Services Division offer a look into the lives of Hons. Hayzel B. Daniels, Lorna Lockwood, Thomas Tang, Valdemar Cordova, William Rehnquist, Sandra Day O'Connor, and Francis X. Gordon., in a compelling video series produced and directed by Hon. Wendy Morton.

CORDOVA

REHNQUIST

The series is available online in the Video Center of the Education Services Division's section of the [azcourts.gov](http://www.azcourts.gov) website. Simply go to www.azcourts.gov and enter the words "Video Center" in the search field in the upper right-hand corner. The link will take you to the Division's Video Center, where you'll find links to view these videos online.

O'CONNOR

GORDON

**A Tradition of Progress
A History of Excellence**

A History of *Excellence*

Arizona Legends of the Law: Thomas Tang



Born: January 11, 1922
Deceased: July 18, 1995

Military Background

Rank: First Lieutenant
Branch: U.S. Army
Conflicts: World War II and Korean War

September 1942 Enlisted at University of Santa Clara, CA through the ROTC

May 18, 1943 Called to Active Duty at the Presidio, CA. Took basic training at Fort Bragg, NC. Assigned to Fort Sill, OK for Officer's Candidate School.

August 1944 Graduated O.C.S. and commissioned to Second Lieutenant. Sent to Field Artillery Battery Executive School and then sent to Mandarin Chinese Language School at U.C. Berkeley for 4 months.

May 9, 1945 Departed for the Asiatic Pacific Theater.

September 1945 After VJ Day, as First Lieutenant, transferred to HQ China Service Command and attached to the U.S. Army Engineers as Administrative Officer in Shanghai.

- August 1946 Discharged from Active Duty.
- March 14, 1951 Recalled to Active Duty during the Korean Conflict. Assigned to Chinese Language Refresher Course at the Presidio, Monterey, CA.
- June 1951 Assigned to Duty with Allied Translator Interpreter Service (ATIA) in Tokyo and Pusan, Korea. Job Classifications were Field Artillery Commander, Combat Liaison Officer, and Intelligence Language Officer.
- April 1, 1953 Received Certificate of Honorable Discharge. Joined the American Legion Post 50; Past Commander; Life Member Paid.

Military Honors:

American Campaign Medal
China Offensive Medal
Asiatic-Pacific Campaign Medal
World War II Victory Medal
Good Conduct Medal
Korean Service Medal
UN Service Medal

Education

1947 Graduated from the University of Santa Clara, CA with a B.S.
1950 Graduated with High Distinction from the University of Arizona with a Degree in Law.

Professional Work

1950-51 Law Clerk to Justice Evo DeConcini of the Arizona State Supreme Court.
1953-57 Deputy County Prosecutor for Maricopa County.
1958-60 Assistant Attorney General for the State of Arizona.
1960-62 Began private law practice and served as a Phoenix City Councilman for 2 terms. Served as Vice Mayor in his second term.
1963-70 Served as a Superior Court Judge for Maricopa County.
1970-77 Partner in Law Firm of Sullivan, Mahoney, & Tang.
1977 Appointed by President Jimmy Carter to the United States Court of Appeals for the 9th Circuit by Merit Selection. Served until his death in July 1995.

Professional Awards and Honors

1968 AZ Dept. of Public Education – Certificate of Appreciation for Educational Leadership.

- 1968 Former Board Member, Treasurer, and Member of the Maricopa County Bar Association. Former Member of the Board of Governors of the State Bar of Arizona.
- 1977 President of the State Bar of Arizona.
- 1978 University of Santa Clara – Honorary Doctor of Laws.
- 1979 Founding Member of the American Bar Association’s Commission on Opportunities for Minorities in the Profession. Member of the Commission on Problems of the Elderly.
- 1984 Founding Fellow and Patron of the Arizona Bar Foundation which was renamed the Arizona Foundation for Legal Services and Education.
- 1988 University of Arizona – Alumnae Association’s Distinguished Citizen Award.
- 1989 University of Arizona – Centennial Medallion.
- 1990 Member of the National Committee for Administration of the Bankruptcy System of the Judicial Conference of the United States and served as Chair of the Bankruptcy Judicial Selection Committee for the 9th Circuit.
- 1991 Distinguished Service Award for Contributions to Public Service, Legal Scholarship and Judicial Statesmanship –Southern California Chinese Lawyer’s Association.
- 1994 College of the Holy Cross – Honorary Doctor of Laws
- 1994 Award from the State Bar of Arizona’s Committee on Minorities and Women in the Law for Outstanding Achievement Advancing Equal Opportunities in the Profession.
- 1996 Recipient of the State Bar of Arizona’s Walter E. Craig Distinguished Citizen Award.
- 1996 The Arizona American Legion Post 50 was renamed The Thomas Tang Post 50 in his memory.

1996 The National Asian Pacific American Bar Association (NAPABA) annual moot court competition is named in honor of Judge Thomas Tang. Over the last several years, students from the University of California, Loyola, University of Oklahoma, University of Arizona, Arizona State University, and many other universities nationwide have participated in the annual event. These monetary awards have been made possible by the Anheuser-Busch Company.

1996 The Arizona Asian American Bar Association (AAABA) annual essay contest for Arizona law school students at the University of Arizona and Arizona State University is named in honor of Judge Thomas Tang.

2007 Judge Thomas and Dr. Pearl Tang's family was honored by the Phoenix Museum of History for "Significant Contributions to Phoenix History."

Thomas Tang was inducted into the Arizona Veterans' Hall of Fame

Judge Thomas Tang and Dr. Pearl Tang were the recipients of the Ghandi, King, and Ikeda Peacemaker Award as "Guardian's of the People, Health and Defender of Equality and Individual Rights."

Additional Memberships and Distinctions:

Past Member of the St. Thomas Moore Society; The Salvation Army Advisory Board; The Big Sisters of Arizona; The Serra Club; and The Kiwanis Club.

Remembering Judge Thomas Tang

During the nineteenth century, Chinese immigrants in the United States faced extreme prejudice in the West, as they struggled to make a living as miners, laborers and merchants. In Phoenix, Arizona, the Chinese experienced segregation and discrimination but were free of the riots and violence occurring in other western cities and towns. Most Chinese clustered in a Chinatown in central Phoenix during the latter decades of the nineteenth century and early twentieth century. Tang Shing, Tom Tang's father, emigrated from China to the United States in 1910 and moved to Phoenix where he began a grocery store outside of Chinatown. In 1914, he married American-born Lucy Yee Sing. Born in Tempe in 1896, Lucy Yee Sing was one of the first Chinese babies born in Arizona after her family immigrated to the United States, traveling through Mexico.

Tang Shing, with assistance from his wife and family, operated a grocery and general merchandise business. Eventually their wholesale grocery business, the Sun Mercantile Company, became the largest business of its type in Phoenix. The company delivered groceries in Phoenix and all over Arizona. In 1929, the business expanded into a new 80,000 square-foot facility downtown, at Jackson and Third Street.

The Tang family was part of a small Chinese community in Phoenix. When Tom Tang entered the world, January 11, 1922, there were approximately 130 people of Chinese descent in Phoenix. By 1940, when he attended high school at Phoenix Union, there were about 431 Chinese. The Chinese began to assimilate in the 1920s and 1930s, moving out of Chinatown, but they still faced segregation in public facilities. Neither of Tom's parents possessed American citizenship even though his mother was American born. Prior to 1922, married women's status followed that of the husband and therefore, Tom's mother lost her citizenship when she married Tom's father, a foreigner. In 1922, Congress passed the Cable Act, giving women independent citizenship. World War II led to additional changes for Chinese people. In 1943, after China became an ally of the United States, the United States repealed all Chinese immigration exclusion laws. These changes allowed Tom's parents to become citizens.

Tom Tang grew up in a family that stressed education. As a child, he attended Saint Mary's Elementary School and Phoenix Union High School by day, and in the evening, he attended the Chinese language school his father established in Phoenix to preserve the Cantonese language and heritage in Arizona. Tom Tang grew up during a time in Phoenix where public accommodations were still segregated. He recalls being forbidden to swim in the same pools as his Anglo friends.

Tom Tang became a Second Lieutenant in the United States Army and served both in World War II and in the Korean Conflict. Tom met and courted Pearl Mao, who he met in Shanghai while on his tour of duty to China. After the war, in 1947, Tom finished his undergraduate degree at Santa Clara University in California, while Pearl took her residency training in obstetrics and gynecology in Quebec City, Canada at Saint Sacrament Hospital, a part of La Val University Medical School. They married later that year. At that time, the Arizona State Board of Medical Examiners did not permit graduates of foreign medical schools to take the licensing exam. At that time, there were only 250 doctors in Maricopa County.

In 1950, Tom Tang received a law degree with high distinction while Pearl earned a second graduate degree, a Master of Science degree in microbiology, with Phi Kappa Phi and Sigma XI honors from the University of Arizona. While clerking for Justice Evo DeConcini, Tom received encouragement from the justice to appear in front of the Medical Licensure Board to argue for one of his very first cases, an opportunity for his wife to sit and take the medical exam. He won and Pearl became one of only forty women doctors and the only Asian American female doctor in the state.

She became a doctor for Maricopa County and developed an immunization program for children in county schools. Dr. Pearl Tang eventually went on to become the Chief of the Maricopa County Bureau of Maternal and Child Health. Between 1960 and 1984, she created and led programs that helped lower the infant mortality rate by 67%. She was also instrumental in securing grant funding for a county pathology lab for the prevention, diagnosis and treatment of cervical cancer among the many other programs she initiated for the very impoverished women and children in the county.

After working as a law clerk to Justice Evo DeConcini, Tom joined the Maricopa County Attorney's Office, where he embarked on a prosecutorial career with County Attorney Bill Mahoney, who later became his law partner. He also served as an Assistant Attorney General for the State of Arizona. In 1960, he served as a Phoenix City Councilmember for 2 terms, serving as Vice Mayor in his second term. He was the first Asian and Chinese American to serve on the city council.

In 1962, as the county underwent strenuous growth, two new judgeship positions were created. Tom Tang resigned his office as city council member and ran for Judge of the Superior Court. He won election as judge in Division No. 15. He became the first Asian and Chinese American to serve on the Maricopa County Superior Court bench. Later he rotated to juvenile court. In 1967, the Supreme Court's *In Re Gault* decision changed legal procedures for juveniles in the justice system. Through this decision, juveniles gained the rights to be informed of the causes of accusation against them, to secure legal counsel, to remain silent and to be confronted by their accusers. Judge Tang took steps to apply the *Gault* decision, while also striving to improve the county's juvenile facilities. He was considered one of the best and brightest judges on the bench at the time.

In 1967, a case involving juveniles came before his bench and eventually cast a pall over his career. During a fight between three boys, two of them kicked the third and ruptured the boy's spleen, causing his death. Although the community called for vengeance, Judge Tang refused to try the teenagers as adults, believing it was not an intentional killing. They were held during the judicial process, but Judge Tang did not send them to another juvenile institution. Instead, he put the boys on probation until they were twenty-one years old. Judge Tang "felt that their being held during the entire process was a sufficient incarceration. However, the community had a different view of it," he explained. Juvenile crime caused a great deal of concern, and the newspapers publicized the case extensively. Three years later, when Judge Tang came up for re-election, the Phoenix newspapers campaigned against him, and he lost the election in 1970. Judge Tang lost that election because he refused to buckle under pressure and publicity relating to the case.

This was a difficult time for the entire family. Judge Tang's children had to endure negative remarks about their father at school, and the family received threatening phone calls at home. When the case was later appealed to the state Supreme Court, the court upheld Judge Tang's decision. Approximately 8 years later, the two juveniles became productive members of society: one became a teacher and a coach after graduating from college and the other became a captain in a fire department.

Although the Arizona Supreme Court ultimately upheld Judge Tang's decision, he lost the re-election which caused a wave of protest, helping to spark and invigorate the creation and move toward judicial merit selection as we now know it in Arizona.

Following his defeat at the polls, Tom Tang began re-establishing a private practice. He eventually formed a "three-man partnership" with former U.S. Ambassador to Ghana, Bill Mahoney and John F. Sullivan in a general practice, dealing with domestic relations, business law, criminal defense and personal injuries. In 1977, Tom became the President of the Arizona State Bar and supported women and minorities both in the bar and on the board of governors. At this point in his career, Tom Tang had earned a solid reputation in Arizona, through his work as a judge, lawyer, and officer of the state bar. He was the first Asian and Chinese American to become State Bar President.

In 1977, Tom Tang was nominated by President Jimmy Carter to the Ninth Circuit Court of Appeals for the United States upon the strong support of Justice Evo DeConcini's son, Senator Dennis DeConcini. Early in his term, President Carter changed the method of selecting federal judges. Formerly, it was a matter of senatorial privilege, but President Carter instituted merit selection commissions. The U.S. Senate confirmed Judge Tang's nomination in October of 1977. Once again, Thomas Tang became the first Asian and Chinese American judge on this federal bench.

Judge Thomas Tang began an eighteen-year career on the Ninth Circuit Court of Appeals. During his time on the federal bench, he wrote over 400 opinions relating to federal law in all of the western United States. According to Judge Mary Schroeder, he did all this while mentoring over forty law clerks who left their term of service wiser, and with a reverent devotion to him. His decisions reflected his strong commitment to individual rights, especially the rights of privacy and equal protection.

One of Judge Tang's opinions held that Asian American laborers in Alaskan canneries were being discriminated against because they were denied promotions and forced to sit in segregated lunchrooms. The U.S. Supreme Court did not fully agree with Judge Tang's decision, but this decision, along with other High Court decisions making job-discrimination lawsuits harder to win, resulted in Congressional action. Congress passed the Civil Rights Act of 1991, attempting to undo damage created by the Supreme Court's decisions that restricted federal anti-discrimination laws.

Judge Tang served as a jurist on the Ninth Circuit bench with distinction, respect, integrity, and a sense of humor until his death on July 18, 1995 at age 73. His life and work illustrated a sensibility concerning discrimination that he gained as a Chinese American growing up in segregated Phoenix. When he and his wife Pearl began their careers in the early 1950s, race relations were changing, and by the 1960s, segregation had nearly crumbled. Thomas Tang helped in this effort, joining the Phoenix Council for Civic Unity to desegregate schools and facilities. His wife, Dr. Pearl Tang also used her skills to create a more equal society. She faced opposition in gaining her medical license, but once she secured it, she quickly became an asset to her profession, working to upgrade medical care for impoverished mothers and children. With her staff, Dr. Pearl Tang helped to lower the tragically high infant mortality rate in Arizona. Through their work, Tom and Pearl Tang became strong role models for the Asian American community.

Judge Tang's legacy lives on and is honored annually by the National Asian Pacific American Bar Association's Annual Thomas Tang Moot Court Competition in which law students nationally are able to compete for scholarships to further their legal education. He is also honored annually by the Arizona Asian American Bar Association as law students from the University of Arizona and Arizona State University compete for scholarship awards by entering an essay contest in Judge Tang's name.

Judge Tang was a founding member of the American Bar Association's Commission on the Advancement of Minorities in the Profession, was a member of the ABA Commission on Legal Problems for the Elderly, and here in Arizona, was a member of the Board of Governors of the State Bar of Arizona, was the 1977 State Bar President, and was a founding member of the Arizona Foundation for Legal Services and Education. Judge Tang was honored posthumously with the Walter E. Craig Distinguished Citizen Award in 1996; inducted into the Arizona Veterans' Hall of Fame, honored by the Phoenix Museum of History, and was the 2007 recipient of the Gandhi, King and Ikeda Peacemaker Award. – By Hon. Roxanne K. Song Ong

