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# LAWYER

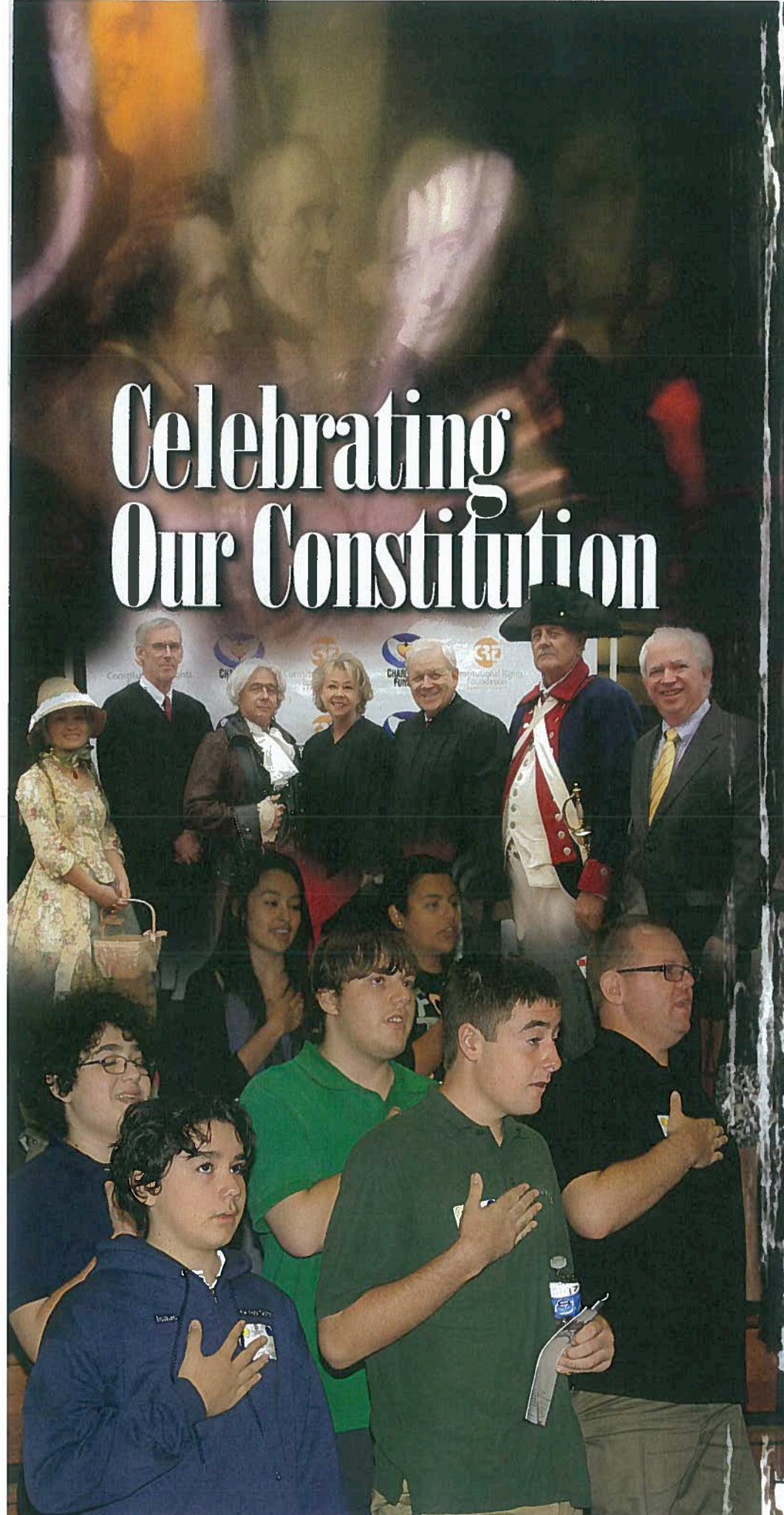
THE ORANGE COUNTY BAR ASSOCIATION



Constitutional Rights Foundation,  
Orange County  
Celebrates 30 Years







# Celebrating Our Constitution

by Michael Baroni

*"Contrary to what you may have been taught, America is not—and has never been—a democracy," declared Darren Aitken, Esq. (of Aitken, Aitken & Cohn), speaking to a crowd of high school students. Across the audience, brows furrowed with curiosity as their attention was seized. "We are a **Constitutional Republic**," clarified Mr. Aitken, who thereafter explained the safeguards of a "republic" (which provides representation to minority interests), versus the dangers of a "democracy"—where whatever the majority wants, wins.*

**T**hat was one of many eye-opening lessons absorbed by 500 high school students who attended Constitution Day festivities on September 16th, at Saddleback College (which generously donated its facilities). Participating high schools included La Habra, Loara, New Vista, Pacifica, Rosary, Rancho Alamitos, Century, and Saddleback.

For the 5th year, this event has been produced by the Orange County Constitutional Rights Foundation ("CRF"), run by Wendy Townsend—Director, and administered by its devoted volunteers and Committee Members, which put on an array of events and workshops



for the students. The CRF even paid for the students' round-trip bus transportation (without such financial help, no schools would have been able to participate, due to budget cuts).

Constitution Day celebrates the signing of the U.S. Constitution on September 17th, 1787, and all the rights and liberties secured to citizens from our society's cornerstone document. Historically known as "Citizenship Day," in 2004 it became better known as "Constitution Day," and federally mandated for all schools that receive federal funding.

The power of the CRF is that it connects students with top, legal minds who have long-term, deeply-rooted constitutional experience, passion, and historical knowledge—lawyers, judges, and constitutional scholars—as opposed to leaving Constitution Day in the hands of able but not usually legally trained high school teachers.

Some high school students today might wonder, *What does the Constitution have to do with me? Wasn't that just for stuff going on hundreds of years ago?* But The CRF and its volunteers know that the Constitution is just as relevant today as it was in 1787. Technologies and new societal challenges do not change the basic, fundamental concerns of the Constitution:

Freedom. Freedom from tyranny and an oppressive government. Freedom from unjust persecution. Freedom to practice your religion (or lack

“  
*Perhaps our youth  
cares more than we  
give them credit for;  
they hunger for  
information and  
simply need to be  
well informed.*”

thereof), pursue your dreams, love, marry, have children, invent and create, keep the fruits of one's labors, befriend whom you will, speak

your mind, read books of your choosing, own land and property, have hobbies and engage in business. To secure your "inalienable" rights and be protected from unreasonable government intrusion. Satellites, video games, nuclear weapons, "test tube" babies, airplanes, food with a three-year shelf-life, and iPhones, do not change those fundamental concerns one iota.

Sadly, however, the Constitution is under increasing assault from those who claim it is a "living, breathing document" that keeps morphing with the times (essentially arguing that it doesn't actually mean what it says), or those who decry it as being "outdated" and "no longer relevant." In recent decades, in fact, it has become all the rage to bash the Constitution as the product of "dead, old, racist, white men," says Dr. Walter E. Williams (Economics Professor at George Mason University, and author of *More Liberty Means Less Government: Our Founders Knew this Well*).

Think of the deeply-disturbing *Time* magazine cover story of July 4th, 2011, depicting the Constitution as being paper-shredded, with the headline, "Does it Still Matter?" Well, it only matters to those who actually understand that the Constitution is the only thing standing

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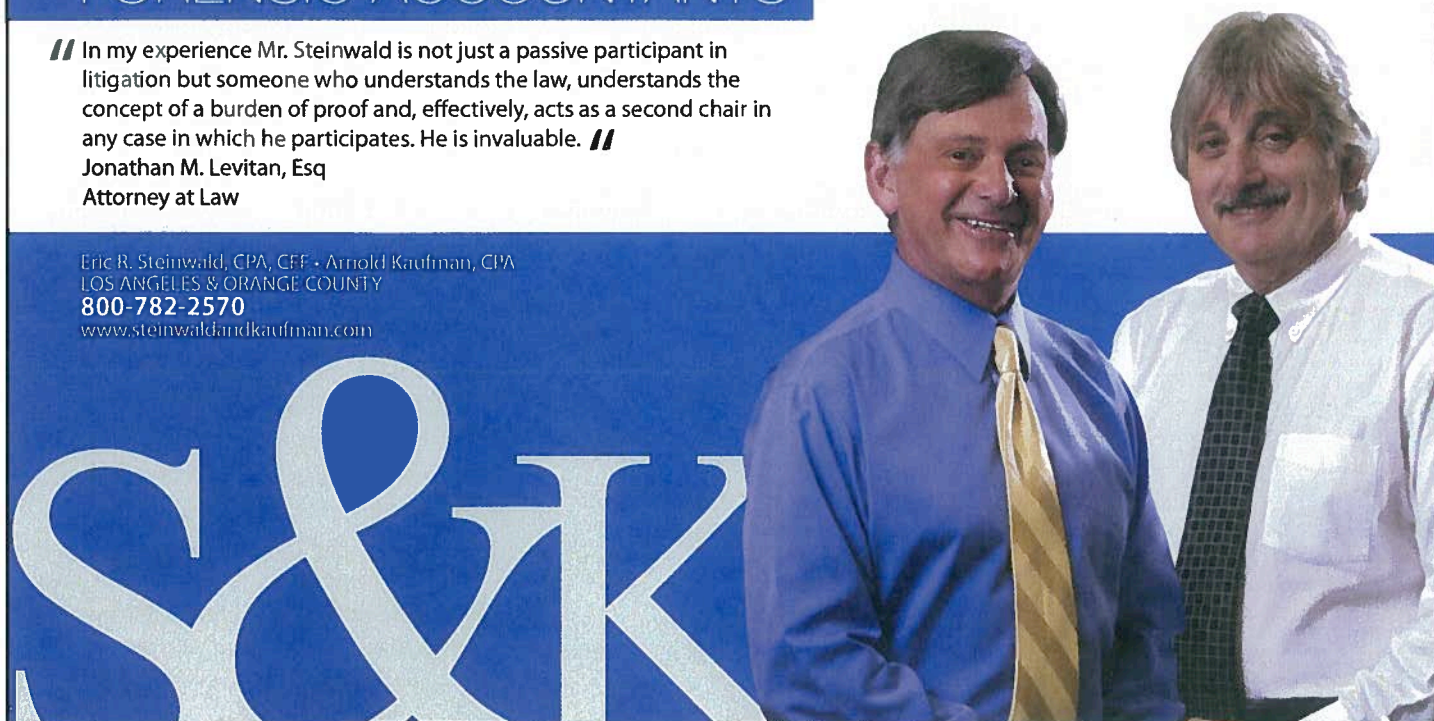
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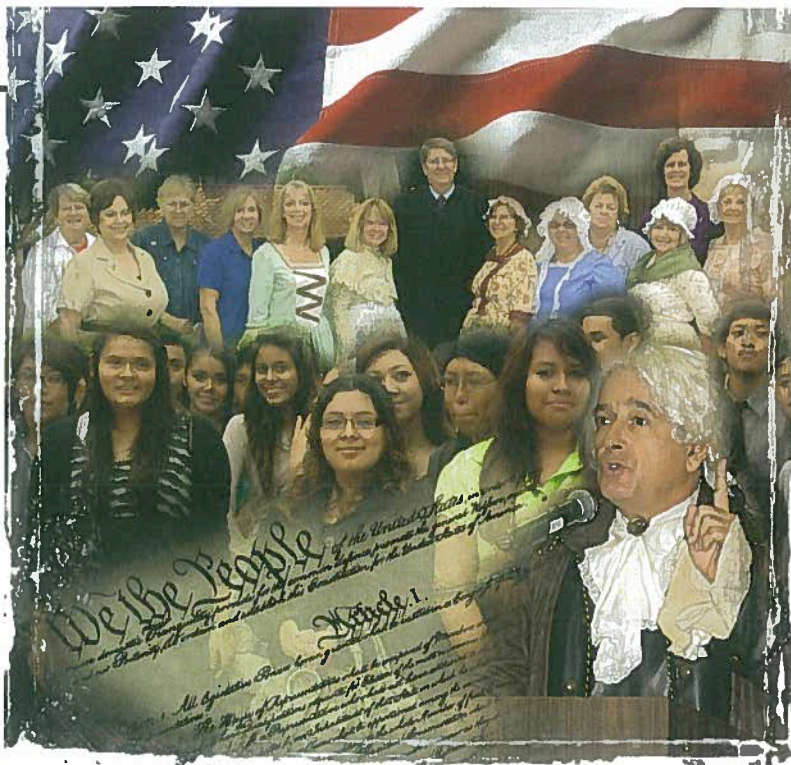




between one's "Life, Liberty and the Pursuit of Happiness" and having those blessings torched by the tyrannical hand of government, or from foreign interests gobbling up our nation's sovereignty by subjecting us to international "laws" that trump our own.

As Patrick Henry stated, "The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government." Our youth need to understand this critical distinction.

The CRF reminds our youth of how the Constitution was born out of necessity in a life-or-death struggle for freedom, and aimed at unifying a country under a promise of securing basic human rights and a fair shot at open-ended prosperity. The CRF hopes to inspire the youth to want to protect their Constitution and advocate for it—and not sit back idly as it is chipped away into oblivion.



Stepping off the arriving buses, the students were greeted at Saddleback College by a throng of Colonial-clad constitutional enthusiasts from the Daughters of the American Revolution (led by Joyce Van Schaak, Constitution Day Committee member). They were then escorted into the gymnasium in orderly lines and into bleacher seats, by a

sharply-dressed Colonial soldier, sword dangling at his side.

Alan Crivaro, Esq. (of the O.C. Public Defender's Office, and Chair of CRF's Constitution Day Committee), opened the festivities, followed by greetings from Saddleback College President, Tod Burnett.

In a beautiful moment of solidarity, the diverse crowd of students stood, hand-to-heart, to recite our nation's Pledge of Allegiance.

Then, to the audience's delight, America's second President, John Adams, sauntered out to give the keynote address. Adams was brought to

life by impressionist Peter Small, whose impassioned, impromptu-style speech exuded the grace and dignity of what one would imagine in a Founding Father.

Adams' speech was also laced with the wry sense of humor often exemplified in his many letters written to his beloved wife, Abigail (herself an influential "Founder"). For example, on the Declaration of Independence: "The *second* day of July, 1776," Adams opined, "will be the most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forever more."

Adams then paused, and stated to the crowd, "Well, I was off by a *couple* of days," to which the students chuckled. He then poked fun at his friend, Benjamin Franklin, for spending too much time with the "French ladies."

Adams also highlighted his defense of the eight, British "Red Coat" soldiers on trial for murder after the "Boston Massacre" of 1770. Taking on the unpopular cause of defending British soldiers was potentially perilous (for his career, and perhaps even his life), but it ultimately gained Adams respect and set a precious precedent—equality for all in the eyes of the law. Adams recalled that it was "one of the best pieces of service I ever rendered my country."

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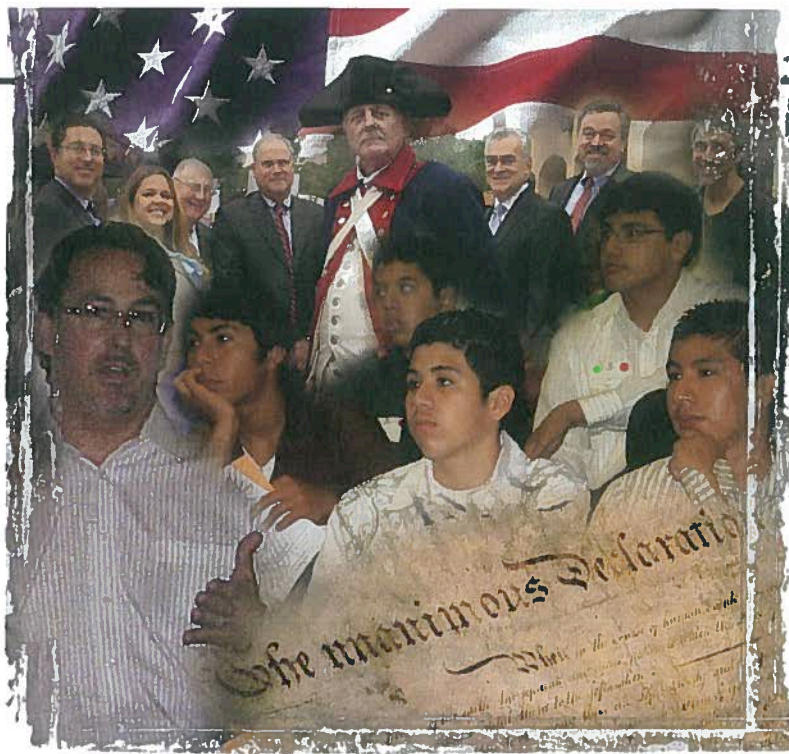
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Judgment of death against those soldiers would have been as foul a stain upon this country as the executions of the Quakers or witches."

With Adams' example as the historical backdrop, "defending unpopular causes" was the theme of this year's event.

Accordingly, the next event was a Supreme Court re-enactment of *Gideon v. Wainwright*. Students were palpably excited to witness the nine "Justices of the U.S. Supreme Court" stride into the gym, their black robes flowing. The "Supreme Court" was comprised of California Appeals Court Justice (Hon. Kathleen O'Leary, 4th District), three lucky students from Rosary High School in Fullerton (Sarah Murray, Katherine "Kit" Loughran, Morgan Sielski), and five Superior Court of California Judges (Hon. Thierry P. Colaw, Hon. Robert C. Gannon, Hon. John Fynn, III, Hon. Linda L. Miller, Hon.



Randall J. Sherman).

The landmark, 1963 *Gideon* case confirmed the constitutional guarantee of providing free counsel to defendants in criminal trials. The case was debated by John Eastman, Esq. (one of the nation's foremost constitutional scholars, and former Dean of Chapman law school), and Ron Steiner, Esq. (Constitutional Law Professor

at Chapman law). Students commented how exciting it was to hear opposing arguments, and watch how the Justices interrupted the attorneys to ask probing questions.

After hearty applause for the *Gideon* case, students broke into groups for various workshops:

- Stanford Professor Barbara Babcock, author of *Woman Lawyer*, recounted the story of Clara Foltz—the first woman admitted to practice law in California, and the inventor of the Public Defender's Office.

- The American Board of Trial Advocates ("ABOTA") and CRF sponsored an essay contest which

will provide scholarships (awards of \$2,500, \$2,000, and \$1,500—winners to be announced before Thanksgiving). Presented by Ed Leonard, Esq. (ABOTA President); Eric Traut, Esq. (Traut Firm); Mark Poliquin, Esq. (Poliquin & DeGrave); and Nancy Zeltzer, Esq. (Lewis Brisbois Bisgaard and Smith).

- Emmy Award winning filmmaker Sandra

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Robie (Chapman University) discussed the 1947 landmark case of *Mendez v. Westminster*, precursor to the famous *Brown v. Board of Education* desegregation case. *Mendez* held that the segregation of Mexican students (then common) was unconstitutional.

• "Black & White and Color," where film clips from *Amistad*, *A Time to Kill*, and *12 Angry Men* were used to display racial biases and pressures in the jury system (presented by Darren Aitken and Michael Baroni).

• How bullying within the judicial system is used to damage the defense efforts of unpopular causes, and how countering it with civility is the antidote, presented by Ed Leonard, Christopher Wesierski, Esq. (Wesierski and Zurek), and Michael Maguire, Esq. (Michael Maguire & Assoc.).

By noon, the high schoolers needed to give their brains a rest, having absorbed more potent constitutional education than many had ever before received. And they had also worked up a hearty appetite. So as they flooded outside, chicken sandwich grab-bags were distributed, courtesy of Chick-fil-A. While relaxing outside, they were treated to additional snacks and water, and entertained by the Saddleback College men's choir.

A Boomers! banner decorated the scene, and students were given coupons to go play with go-karts, batting cages, mini-golf, and arcade games.

Each student also received a pocket-copy of the United States Constitution.

Thanks to the superlative speakers and impassioned efforts of the CRE, Constitution Day was a powerful wake-up-call to our Orange County youth. Many students stated how they wanted to "learn more" or "do something" to protect our Constitution. The words "I didn't know—" or "I never heard that—" permeated student conversations during lunch.

Their enthusiasm was encouraging. Perhaps our youth cares more than we give them credit for; they hunger for information and simply need to be well informed. They certainly can't be expected to fight for something that they don't understand, or that they misunderstand.

Benjamin Franklin summed up the need for citizens to fiercely fight for their liberties and rights, and not give it up lightly: "They that can give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

Unfortunately, sometimes citizens do not comprehend that they are relinquishing their own constitutional rights and protections in the name of asking the government to "protect" or "help" them. That's where the CRF comes in—exposing our youth to deeper understandings of the Constitution, and the ramifications of losing its protections, so that they will appreciate it and *want* to protect it.

James Madison said, "We base all our experiments on the capacity of mankind for self-government." That of course requires constant vigilance and education of our citizenry, beginning with our youth, which is why the CRF's mission is so vital.

Finally, the immortal wisdom of Daniel Webster: "Hold on, my friends, to the Constitution and to the Republic for which it stands . . . Hold on to the Constitution, for if the American Constitution should fail, there will be anarchy throughout the world."

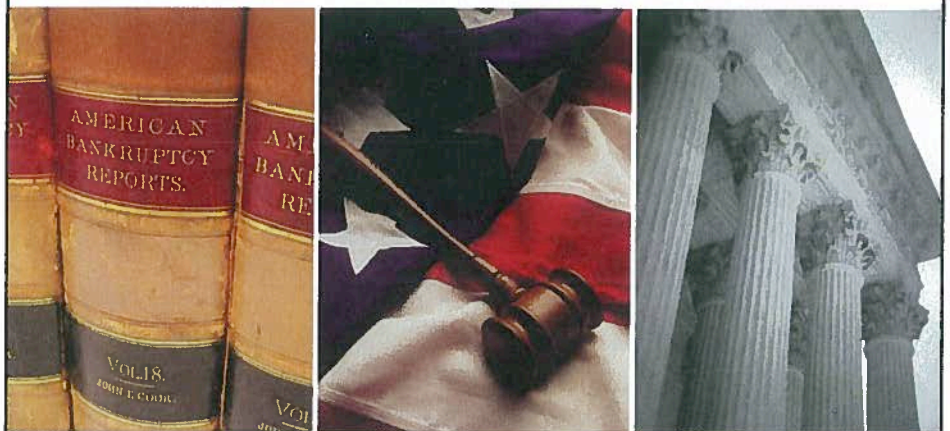
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