



Freedom Forum

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WCLP Acts to Protect Student Free Speech from Government Censorship.

Just before the November 2008 elections, a public elementary school in San Diego County decided to hold an election assembly. The school-wide “Get Out and Vote” event was held at the school’s auditorium on November 3, 2008. As part of the assembly, the teacher organizing the event planned to use several fifth grade students to represent the two major candidates for president, John McCain and Barack Obama. Aaron volunteered to be a speaker for McCain. He was told he could be the speaker as long as his speech was good. In fact, Aaron’s speech was good enough to cause him to be selected to give the keynote address.

On the day of the assembly, the school permitted Aaron to give his speech, but only after cutting out large portions of the text of Aaron’s speech, namely his discussion of McCain’s views regarding abortion and same-sex marriage. At that point, Aaron’s parents contacted the attorneys at the Western Center for Law & Policy. The attorneys met with Aaron’s parents and took action, because the school had blatantly trampled on Aaron’s First Amendment right of freedom of speech. Therefore, the Western Center for Law & Policy has asked the school district to apologize and provide additional redress to

Aaron. If the school board refuses, the WCLP stands ready, willing and able to seek legal redress in the courts.

Essay: “We the people,” Who?

Move over former British empire. A new tyranny seeks to oppress our citizens today. Here comes the Judge!

Since the dawn of time the powerful have often abused their authority to oppress the weak. Kings, Czars, party chairmen and other despots have all taken their place in the shameful halls of history by abusing their authority over those they should have served rather than oppressed.

Today in America we face a new threat to freedom. What is the threat? It is “enlightened” judges who are unsatisfied with leaving lawmaking authority with the legislature or the people, where it belongs. This threat is most pernicious when the judiciary creates novel “constitutional rights.” Usurping the legislative process, the courts have through creative, though intellectually dishonest, lawyering created new “rights.” This brazen power grab violates the sacred concept of the “separation of powers;” the concept that governmental authority should be decentralized in a democratic republic. Fundamentally it means that judges should judge, legislatures should legislate, and the executive should execute.

The most famous example of judicial tyranny in the past 40 years is *Roe v. Wade*. Whatever your personal opinion about abortion, no fair minded person who reads the decision can argue that the Supreme Court did not fabricate a completely new constitutional “right.” I would call it a judicially sanctioned “license to kill.” Without amending the constitution, the black robed judges did just that--they amended the constitution. The problem is that in doing so, the judges removed a controversial moral issue from “we the people” which is the appropriate locus of authority in our democratic republic. The consequence has been millions of deaths and a deep societal rift.

The most recent example of the threat of judicial tyranny is embodied in the ferocious fight over how we define marriage. Defying 5000 years of history, the expressed will of Californians, and common sense, the California Supreme Court created a new “constitutional” right to same-sex marriage in May 2008. In November 2008, “we the people” of California fought back and amended our constitution to define marriage as only between a man and a woman. Now, amazingly, Attorney General Jerry Brown, who is sworn to uphold the constitution, is actively advocating that the California Supreme court trash the constitution and nullify the will of the people. He wants the Court to interpret the constitution in a manner which would declare Prop 8, a constitutional provision, “unconstitutional.” Incredible!

Unfortunately, our judges today are increasing acting like the “Court of Star Chamber,” a 15th-century to 17th-century English court consisting of judges who were appointed by the Crown and sat in closed session on cases involving state security. Modern American

judges, like the Court of Star Chamber, are becoming increasingly known, not for dispensing justice under the law, but for their secret, harsh, or arbitrary rulings.

If Jerry Brown and the radical judicial activists get their way, it may effectively signal the end of democracy in America as we know it. *We the people* would become obsolete, since the more “enlightened” judges could always overrule our will (even our constitutional amendments) if the will of the people conflicts with their elitist view of morality and law. These acts of judicial “terrorism” are inimical to our founders’ concepts of separation of powers and of ordered liberty and *must* not stand.

Spring Dinner for Friends of the WCLP.

This spring, we will be inviting friends of the Western Center for Law & Policy to join us in celebrating the victories we have enjoyed in the ongoing fight for faith, family and freedom. Details will follow soon.

For more information about the WCLP, please visit our website at www.wclplaw.org

Please consider forwarding the *Freedom Forum* to your friends and family.

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