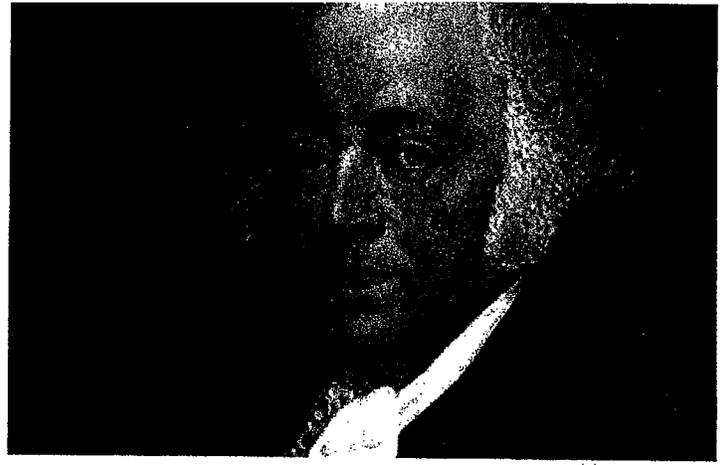


# Law Day 2011 Essay Contest



In recognition of Law Day, the Judiciary of Guam and the Guam Bar Association is sponsoring the annual Law Day Essay contest.

## What is Law Day?

Law Day is a national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that we all share.

## Law Day Theme:

**The Legacy of John Adams, From Boston to Guantanamo**

John Adams became our nation's first lawyer-president in 1797. Five years before the American Revolutionary War began, Adams agreed to take on unpopular cases and ably defended the accused at trial. His role in the 1770 Boston Massacre trials has come to be seen as a lawyerly exemplar of adherence to the rule of law and defense of the rights of the accused, even in cases when advocates may represent unpopular clients and become involved in matters that generate public controversy.

The 2011 Law Day theme provides us with an opportunity to assess and celebrate the legacy of John Adams, explore the historical and contemporary role of lawyers in defending the rights of the accused, and renew our understanding of and appreciation for the fundamental principle of the rule of law.

To enter, students must write an essay of 750 words or less explaining why the right to an attorney is considered a fundamental principle of the rule of law. In preparing these essays, students should consider the following questions:

1. What does the right to an attorney mean to you?
2. Do unpopular clients such as terrorists or prisoners of war deserve representation?
3. Is it the public's responsibility to ensure one's right to an attorney?

### Contest Rules

- Students from 6th-8th grade are eligible to participate
- Essays must address the questions above
- Essays must be no more than 750 words, typewritten, double-spaced
- Must be the student's original work

### Prizes

1st Place \$175 + Certificate  
2nd Place \$100 + Certificate  
3rd Place \$50 + Certificate

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## Deadline: Friday, April 15, 2011

Entries must be delivered to the Supreme Court of Guam, 3rd Floor, Guam Judicial Center.

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

Teacher: \_\_\_\_\_

### Certification of Student:

I am submitting an original essay to the 2011 Law Day Essay Contest. I certify that this essay is my own work. I understand that my essay will not be returned and may be used in activities publicizing the contest.

\_\_\_\_\_  
Signature

Aniceto Mandanas, First Place (middle school)  
St. Anthony School

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## THE LEGACY OF JOHN ADAMS From Boston to Guantanamo

We become amazed when television and movies show us scenes where good guys catch the bad guys. Police officers arrest and handcuff the bad guys and 100% of the time we hear a short speech about having the right to remain silent, anything you say will be used against you.

I always thought that the speech is part of a script for the actors. But in reality actors in shows like Law and Order and COPS are reciting the "Miranda Rights." For young people like me who have not been in situations like these, media educates us about our civil rights and the law.

Who is Miranda? Was Miranda a victim or a criminal? I found out that Miranda is in reality, Ernesto Miranda. He was accused of robbery, kidnapping, and rape. He confessed to the crimes while he was being questioned by the police and was found guilty. The conviction was overturned because the police intimidated him. On June 13, 1966 the court ruled that "suspects must be informed of their specific legal rights when they are placed under arrest." A retrial that included witnesses and other evidence took place. Miranda was again convicted after having been given a fair trial.

Just like Ernesto Miranda, any man regardless of the nature of his crime, remains a suspect. A suspect is innocent until proven guilty. Those who execute the law such as police officers are required by law to read to those arrested their Miranda Rights. A suspect has a right to an attorney not only because it is stated in the 6<sup>th</sup> amendment of the United States Constitution but also because all citizens have a right to due process by way of the Magna Carta of 1354. The Bill of Rights was

influenced by this earlier document. The 6<sup>th</sup> amendment guarantees to citizens a right to a fair trial and counsel.

Our society and judicial system must protect the innocent and punish the guilty, not the other way around. In court, crimes must be proven. Facts and evidence prove guilt, not speculation or opinions of ordinary people. The courts through the jury system decide who is guilty and not the public.

High profile suspects and their lawyers are often subject to trial by publicity like the bomber Timothy McVeigh, the football legend O.J. Simpson, and the Ponzi schemer Bernie Madoff. Though unpopular, these suspects are guaranteed the same rights under the constitution. Without a fair trial those who enforce the law can only be guilty of discrimination and hypocrisy.

In 1770, an attorney of remarkable courage and grit, our Founding Father and 2<sup>nd</sup> President of the United States defended the very unpopular suspects in the Boston Massacre. John Adams defended nine British soldiers, seven of whom were found innocent while two who were found guilty of manslaughter.

240 years after, Adams continues to inspire a new generation of more than a hundred lawyers to establish the "John Adams Project" to "support military counsel at Guantanamo Bay". These lawyers defended, like John Adams the most controversial and criticized of clients, 750 suspected terrorists from 40 different countries.

John Adams and the Guantanamo lawyers risked their profession as lawyers to fulfill their constitutional duty. Most would protect their career from ruin first and uphold their oath last.

The Guantanamo lawyers exposed government abuse that kept the suspects in detention for years since 2002 without charges, trial, and fair hearing. Just because they are not US citizens does not mean suspected terrorists have no rights under the

U.S. Constitution. On June 12, 2008 the Supreme Court ruled that the "detainees have a constitutional right to challenge their detentions in federal court". When our government does not protect our rights in a timely manner, then the public should assert and demand representation.

Guantanamo lawyers sent a clear message. To the government, end their own terror tactics against Guantanamo detainees and respect their right to counsel and a fair trial. To the detainees, the American judicial system does not discriminate against religious beliefs or political persuasion.

The John Adams Project took the higher ground. The rule of terror weakens when the rule of law triumphs.

Having secured justice for the accused, I salute John Adams and those who continue to follow in his footsteps.

Heesun Hayley Cheong (middle school) Second place  
St. Anthony School

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## The Legacy of John Adams

### From Boston to Guantanamo

According to the official Merriam-Webster Dictionary site, the term "attorney-at-law" is used to describe 'a practitioner in a court of law who is legally qualified to prosecute and defend actions in such court on the retainer of clients.' While the phrase is comprised of an accurate meaning of the career, it is not too easy to understand. Trivial things like this can easily discourage young dreamers who may, in the future, become another symbol of justice. My definition of "attorney-at-law" is, though it may sound pretty simple and old-fashioned, 'the defender of justice.'

I must admit that I am a big fan of detective/criminal justice drama, and from that I have realized some things. I had thought that it was pretty amazing how, despite people may think that it is only the police officers or actual crime scene investigators who actually fight and get all the actions, the attorneys-at-law are each fighting their own brutal battles in the courts, only it is verbal instead of physical. As it states in the Bill of Rights, all people should be treated equally and gain the respect they deserve as humans, such as the right to have speeches, bear arms, and so on. It obviously wouldn't be counted as fair if a judge in a brawl gave one player a chainsaw and the other a cotton swab; it is rational that any opponents in any fight would be given the same opportunities, the right to defend themselves properly. This applies consistently even when in the instance of court cases. How would you feel if you were thrown in a debate of life and death with a genius criminal who knows the official court legislations like the back of his hand while all you had was certain knowledge that he is a thief? The system of

attorneys-at-law being put on the defendants and plaintiffs are very effective in that it gives an equal chance for the 'real' truths to be revealed.

Let's take a different kind of example: what if you were the state attorney-in-law and you were appointed to defend an unforgivable terrorist or prisoner of war? If everybody was sure that this horrible murderer intended only evil, would you still try your hardest to defend for his or her good? The correct answer should be: **YES!** No matter what your defendant did, and no matter how your "client" is inhumane, each defendant has the right to use the intelligent weapon that is **YOU** to get them out of trouble. If you deeply believe that he or she should be prosecuted, have faith in the jury. The ultimate mentor for many lawyers, if not all, is John Adams. This statement's best explanation could be the Boston massacre trials. It was in 1770 when the British soldiers related to the massacre were asked to be defended by him. Its news had already reached out to many, and he knew that, if he took the case and defended the British soldiers' crimes, not only would he be severely criticized and possibly lose his political career, both Adams and his family could be in danger from the angry colonists. John Adams, however, stood firm in his belief that all people deserved to have attorneys-at-law at their service. In court, he spoke the truth for his clients. Even if he admitted later that this case had to be the best work he had done as a lawyer. This *spirit of true justice* working here has passed down hundreds of years, to our time now.

Did you ever hear of the place called "Guantanamo"? It is where the United States holds the detainees of war from the Middle East. Naturally, many are terrorists. People wanted them to suffer, just as they had when they lost their loved ones, but there were some

who stood out for them. Who else could they be, but the young lawyers who followed John Adams's footsteps in defending even the most hated?

By this time, it should be clear that the right to an attorney is directly related to the U.S. Amendments and is a fair and well-thought out arrangement. This leads to why the public needs to take the liability of making sure that one gets his rightful share of legal weapons. There is the fact that you might be the one thrown in front of the army of jury without a weapon, but this responsibility is more of a matter of morality of not only the Guamanians, but also anybody who resides on planet EARTH.

Word Count: 754 words

Ashley PATRICIO, 17th PLACE (middle school)  
St. Anthony School

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## The Legacy of John Adams, From Boston to Guantanamo

On a day dedicated to our legal system, it is best to recall one of the most important lawyers there are- John Adams.

John Adams is the first lawyer – president of the United States. He is very important in our legal system, because of his belief, which was that everyone should have a fair trial. A fair trial can only happen if the defendant has an attorney. In fact, the Sixth Amendment of the United States Constitution and the American Bill of Rights states that everyone has the right to an attorney. John Adams believed that everyone, regardless of who they are or what they are accused of, had a right to a fair and zealous legal representation. He represented the British soldiers accused of the murder of Crispus Attucks and other men, during the Boston Massacre. John Adams was also one of the critical figures instrumental in gaining our independence from England, including his participation in the drafting and signing of the Declaration of Independence, yet there he was defending the very people he was fighting for independence from, the British. This means that all those being accused of a crime should have legal representation. John Adams lived up to this belief through his actions in the Boston Massacre. It showed that he was a man of principle. I believe that John Adams was correct and that everyone should have the right to an attorney.

John Adams' representation of the Boston Massacre soldiers is pertinent today in a world filled with terrorism. Since the terrorist attack of 9/11, the United States government has captured many suspected terrorists and detained them at Guantanamo Bay, Cuba. These suspected terrorists were given no representation or no right to an attorney. They were just taken away and sent to the detainment facility. Remember, the basis of our legal system is you are

innocent until proven guilty. The suspected terrorists are just accused of wrongdoing and it has not been proven they actually committed any crime. Since they cannot defend themselves, they should have the same rights to an attorney as we do. The purpose of a fair trial is to find the truth. That process of finding the truth in a trial cannot happen fairly without an attorney defending their rights. I believe that the example of John Adams in the Boston Massacre trial is relevant to what is happening to the terrorists in Guantanamo Bay. John Adams defended the British soldiers when no one else wanted to simply because his principles and his belief in a fair legal system. That same principle needs to be applied to those terrorists as well. So, yes the terrorists need an attorney to represent them.

As mentioned earlier, the basis of our legal system is that everyone is innocent until proven guilty. The right to an attorney means everyone has the right to be proven innocent or the right to a fair legal representation. As a citizen of the United States, I believe that it is the public's responsibility to protect one's rights to an attorney because we should not disregard a person's rights simply because of their accused actions. Anyone can be accused of wrong doing. Whether that person is rich or poor, it is a minor crime or a serious crime, a person of any religion or race; they all deserve to be represented in court. Without this right, the legal system would grind to a halt. The only way to ensure that the legal process continues, then everyone should have access to a lawyer. The only way that can be accomplished is if the public or government funds this essential need. Therefore, the public should ensure everyone's right to an attorney. If we do not, then who will? This is why I believe it is the public's responsibility to guarantee this right to an attorney.

In conclusion, I would like to state the importance of John Adams's actions in the Boston Massacre supporting the Sixth Amendment, which represents the belief of everyone deserves the

right to an attorney. John Adams looked beyond his own prejudice about the British soldiers and defended them. We should apply the same principle to terrorists or prisoners of war, who should have the same right to a fair trial or representation. Furthermore, I believe it is the public's responsibility to preserve the right that everyone has to an attorney or to a fair legal representation.