



Loving Liberty

by Joey McCutchen, Esquire
ATLA President

Our founding fathers showed us “the way,” which is to LOVE, SERVE, and CARE, as written by Jon Gordon, in *The Carpenter*. They embodied the greatest success strategy of all which is LOVE. Our founding fathers LOVED liberty and knew the importance of the Bill of Rights in securing Liberty and our rights as noted by their strong and forceful words and actions on the subject of Liberty. They knew that the Bill of Rights and the various states’ Declarations of Rights guaranteed our liberty.

In March 1775, Patrick Henry put forward a resolution proposing that Virginia’s counties raise militiamen “to secure our inestimable rights and liberties, from those further violations with which they are threatened.” Later that same day, Henry sounded the most famous call to arms in American history. At the meeting of the Second Virginia Convention at St. James Church in Richmond, Virginia, Henry rose from his seat and exclaimed: “The war is actually begun! The next gale that sweeps from the North will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery?” As Henry spoke, he held his wrists together as though they were manacled and raised them toward the heavens. “Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”

In June 1788, Patrick Henry addressed the Virginia Ratification Convention and many believed the fate of the

United States Constitution rested with his state of Virginia. Henry, an opponent of ratification of the Constitution, “conceived the republic to be in extreme danger” with the ratification of the Constitution. Henry spoke of Liberty as “the greatest of all earthly blessings.” “You are not to enquire how your trade be increased, nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your government.” Henry also stated, “Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel... .”

George Mason, a fellow Virginian who had refused to sign the Constitution at Philadelphia, said he would not overcome his doubts regarding the Constitution until “the great essential rights of the people are secured.” He insisted on the amendments before Virginia ratified the Constitution. Mason declared when refusing to sign the Constitution, “I would rather chop off my right hand than support a Constitution that did not include a Bill of Rights.”

John Adams, upon receiving his first copy of the Constitution in England, wrote to Thomas Jefferson in France stating his displeasure at the fact no bill of rights was included and stated the Bill of Rights should have been listed first as “the rights of the people are paramount to the powers of government.”

Thomas Jefferson, upon receiving this correspondence from Adams, sent his letter of concern to James Madison stating, “A Bill of Rights is what the people are entitled to against every government, and what no just government should refuse, or rest on inference.”

As Patrick Henry stated, “The war is actually begun... our brethren are already in the field!” We can hear the “clash of resounding arms” throughout Arkansas. The enemies of Liberty and rights, including special interest groups with their high-priced, hired-gun lobbyists, with their disingenuous chants of “jobs, jobs, jobs” and “greedy trial lawyer” have railroaded SJR8 out of the legislature with little public input. They are not only approaching the “precious jewel of Liberty,” as mentioned by Patrick Henry, they are trying to destroy it. We, as trial lawyers, know this is a “winner takes all” war. At stake is whether our clients will ever have the right to trial by jury with this massive government overreach that takes power from citizens in favor of big

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government and special interests. At stake is whether we, as Arkansans, will protect a victim's right to trial by jury with the same zeal others protect our 2nd Amendment right to possess arms.

It would have been easy for our founding fathers to let fear get in the way of protecting Liberty. They instead recognized that fear was the one thing that would keep them from the goal of Liberty. They also recognized that love was the antidote to fear and they could not fear failing, or fear that they would not be successful, or that things would not go their way. So, instead, they set off with love of liberty and rights of their posterity and focused on them in each moment and each day.

So too, we must set off in our fight against SJR8 with a focus on the love of Liberty in each moment and each day. Love is sustaining. Love is long term. Love is strong. Love is the way. But, yes, love is a commitment. Love is not always convenient or comfortable. Love is a choice.

From now to November 2018, let's show our state and country how much we love Liberty in Arkansas by taking small, consistent actions. Let's be the example that others follow in the future. Take a few extra minutes and slow down from the busyness of life and visit with your client, neighbors, and friends about the negative effects of SJR8 on Liberty and safety in our

communities. Develop a network of folks in your community who love Liberty and stay in regular contact with them. Create a list of speaking opportunities for an SJR8 spokesperson at the Kiwanis, local county bar association, Rotary, political club meetings, volunteer fire department or Junior League. Create a list of local events that you can attend on behalf of the SJR8 campaign. Create a calendar of important community events such as parades, fairs and festivals where the campaign would benefit from having a presence. Coordinate with and educate other lawyers in your community about SJR8. Organize a list of key leaders in your community. Share SJR8 campaign Facebook and Twitter content with your social networks. Donate financially to the SJR8 campaign "until it hurts."

In closing, we have an unbelievable opportunity to leave a legacy of Liberty for our children and grandchildren, just like our founding fathers left us. As Jim Rohn says in his novel Twelve Pillars, "Leaving a legacy is like planting a tree... as that seed grows into a tree, it will provide seeds, so that future generations can then plant their own." So let's go out and plant a tree of Liberty and live out the principles, like love of Liberty, which our founding fathers passionately believed and lived. •

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