

We Are the Guardians of the Constitution: Remembering Our Oath and Covenant of Citizenship

W. West Allen



W. West Allen is an intellectual property litigator and counselor in Las Vegas who represents a wide variety of international clients in federal courts. He served as chair of the FBA's Government Relations Committee for seven years and has served as a member of the FBA's board of directors for much of the past decade. In 2016, Allen received the FBA's President's Award for longstanding service to the FBA and as chair of its Government Relations Committee.

Federal Bar Association Presidential Installation Ceremony Remarks by W. West Allen, Lloyd D. George United States Courthouse, Las Vegas, Nevada, Thursday, September 17, 2020

U.S. Senate Oath

"I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

Federal Bar Association Oath

"I do solemnly swear that I will support and defend the Constitution of the United States; that I will adhere to, and abide by, the Constitution and Bylaws of the Federal Bar Association; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

Thank you Chief Judge Du, Judges of our U.S. District Court, Clerk of Court Kempf, Friends, and Fellow Citizens:

It is with gratitude to God for our nation, and for my dear wife, family, parents, and wise mentors who teach me every day, that I accept the presidency of the Federal Bar Association and its solemn responsibility, foremost to support and defend the Constitution of the United States.

For those watching, my name is West Allen. I have been elected to serve as national president of the Federal Bar Association, the foremost professional organization of nearly 20,000 federal judges and lawyers throughout the United States who seek to strengthen the federal legal system and the administration of

justice. I invite you to join the FBA if you are a lawyer and have not done so yet. Perhaps these brief remarks will help you understand why.

Today, I would like to share a few words regarding the U.S. Constitution and the oath just administered by our chief judge.

It is fitting and proper that we do this today, as we remember the founding of Our Constitution; in this season of remembrance, even high holy days for many faiths; and that we do so here within these venerated walls of a U.S. Courthouse.

It is right here in this solemn, set-apart space—the American Courtroom—that justice is done. It is here, we as citizens take solemn oaths to be truthful. It is here we take civic oaths to support and defend the Constitution. These promises constitute a constitutional oath applicable to all citizens.

I invite us all to remember our constitutional oath—this *Covenant of Citizenship*—that we as Americans engaged in the work of this nation have taken upon ourselves.

Our oath incorporates the duty to faithfully discharge the responsibilities of our office with which we have been entrusted. But most significantly, our collective oath and covenant—whether undertaken in this room as a newly naturalized citizen, a young lawyer, or a federal judge—is to support and defend the Constitution of the United States, and to bear true faith and allegiance to the same.

Why do we do this? We do this for the same noble purpose that inspired 56 brave representatives to sign the Declaration of Independence in 1776: to pledge their lives, their fortunes, and their sacred honor. We do this for the eternal cause of freedom. Freedom lies at the heart of the U.S. Constitution.

As judges and lawyers, we are the standard bearers of freedom—the *Guardians of the Constitution*. Our duty is to watch, warn, and protect. As guardians, we understand that freedom comes at a cost. Sadly, a human cost, one that at times requires the shedding of

blood and the sacrifice of lives ... at Lexington, Concord, Gettysburg, Normandy, and thousands of other sacred places known only to the heroes who gave their lives *that we might live*.

And live *freely*.

To *that* end, our forefathers and foremothers forged a new nation on this land, with a just government *of* the People, *by* the People, and *for* the People. A nation predicated upon the truth that *all* are created *equal*; that they are endowed by their Creator with certain unalienable rights, including Life, Liberty and the Pursuit of Happiness; and that these rights exist independently of government, for government exists *only* to protect them.

Our U.S. Constitution *is* the written embodiment of that philosophy. It is that *hope*. It is the firm and sure foundation—established by the wisest among us raised up for this very purpose—to protect the rights and freedom of *all* People.

Two centuries and 33 years later, it is the duty of *this* generation to defend and build on the foundation they have laid. We are to understand and to teach ourselves, our children, and their children of this Constitution and its founding principles of good government. This responsibility requires *resoluteness*, for our nation, as any nation, is only one generation away from losing that understanding and the freedom it protects.

George Washington understood that our Constitution was paramount to the eternal cause of freedom on earth. He also understood that it was only *a beginning*. To this day, in our nation's first capitol, New York City, President Washington's words are inscribed on a magnificent arch in Washington Square Park. They read:

"Let us raise a standard to which the wise and honest can repair; the event is in the hand of God."

Washington understood that his founding generation, with the guiding Hand of Providence, was laying a foundation for the cause of freedom among *all* nations. It would be for later generations to build the superstructure of a more perfect union upon it.

The cause of freedom in government is a continuing, noble work—established line upon line, precept upon precept, generation by generation. It is advanced each day by covenanted citizens who remember and understand the miracle that is our U.S. Constitution, and its founding principles.

No greater immediate responsibility rests upon citizens of this republic, or of any republic, than to protect the freedom vouchsafed by the Constitution of the United States.

What are the foundational constitutional principles for this standard of which Washington spoke that has been raised to the world? I'll highlight *five*:

First, *Popular Sovereignty*. The People are the *only* lawful source of governmental power. Government is chartered by limited, enumerated powers to be exercised only as authorized by the People according to their *written* law, which is the Constitution.

Second, *Federalism*. The division of power between state and federal government *must* exist to diffuse centralized power.

Third, *Separation of Powers*. The People's government has three coordinate and equal branches, which further diffuse centralized power: The Legislative, the Executive, and the Judiciary. Each has unique abilities to check and balance the others.

Fourth, *the Bill of Rights*. The People's enumeration of certain unalienable rights must be held inviolable by government. These include the freedom of religion, speech, the press, the right to peaceably assemble, and the right to petition government for a redress of grievanc-

es. No action by government should ever subvert these rights.

Fifth, *the Rule of Law*. All citizens are governed by and held accountable to laws that are just, publicly promulgated, *equally* enforced, and independently adjudicated. Vague, incoherent, arbitrary, or unwritten law is no law at all.

To these could be added the unspoken constitutional principles of hope, faith, virtue, knowledge, fortitude, patience, kindness, humility, diligence, and gratitude.

Upon these constitutional principles is good government built. Yet, as our founders understood, the success of a republic is neither inevitable nor complete. It is not enough to believe in democracy, liberty, free enterprise, or justice under the law. We must work for it, extend past our belief, and truly know and understand the constitutional principles that make these noble pursuits possible.

This is what we do as judges and lawyers, as members of the Federal Bar Association. "We few, we happy few"; we band of constitutional brothers and sisters—it is our duty to repair and improve the standard of which Washington spoke. We are to build the American superstructure of freedom and equal justice upon the sure foundation of the Constitution and its enduring principles. Our role as guardians and teachers is to *act*, and not *be acted upon*.

This work is more important today than any generation since our nation's founding, for we fight against apathy and ignorance, against state oppression and spiritual darkness in high places.

I commit as the president of the Federal Bar Association to support and defend the Constitution of the United States, to do everything in my power to strengthen the federal legal system and administration of justice. During my term of office, the FBA will collaborate with other organizations who join us in this endeavor—including the National Constitution Center, the Administrative Office of the U.S. Courts, and the Federal Judicial Center—to promote constitutional civics and public service, to sustain and strengthen the independence of our federal courts, and to ensure the personal security and safety of our federal judiciary and their families.

I invite every judge and lawyer across this nation to engage in this noble work. Join us! Work with us!

I invite every American lawyer and citizen who cherishes justice and freedom to *rise up* and do the same. Defend the Constitution and the freedoms it guarantees. Contribute to the Foundation of the Federal Bar Association. Download the National Constitution Center's mobile Interactive Constitution App. Learn and teach the Constitution and its founding principles to yourselves and your children. Read and study again George Washington's Farewell Address—more applicable today than ever. These are simple, concrete acts that will extend the reach of freedom to the next generation.

May we remember our constitutional oaths. May we together and united as Americans of this great, promised nation remember our *Covenant of Citizenship*. And may we do so always with gratitude for all that we have been given.

On this so much depends, for our Constitution hangs tenuously in the balance. Our choices decide our fate: whether we act or are acted upon.

May the Hand of Providence protect each of you listening today, and may He who is the Author of Liberty forever bless this nation, as we, together—members of the Federal Bar Association and *Guardians of the Constitution*—be not weary in well-doing and with gratitude, honor *valiantly* our Oath and Covenant of Citizenship.

Thank you. ☺