

Constitution Day

by Elizabeth Harmon



On September 17, 1787, the deputies to the Constitutional Convention gathered in the State House in Philadelphia to put their signature on the document they had spent almost one hundred days creating. These deputies were appointed by the legislatures of the various states and included not only lawyers but ministers, soldiers, educators, planters, physicians, merchants, and financiers.

Benjamin Franklin of Pennsylvania was the most senior member and was considered the "Sage of the Constitutional Convention", while James Madison of Virginia was given the title of "Father of the Constitution" for his instrumental role in drafting the document.

The delegates unanimously choose George Washington to preside over the Convention. Because of the work of these deputies, the United States emerged as a government with limited powers – powers that are limited to those granted by the Constitution.

Please visit the *Constitution Day* Book Display on Floor A of the Orange County Public Law Library, which includes some of the many resources on the Constitution that can be found in the Library's collection. (See bibliography)

To find specific information about *Constitution Day* celebrations, there are a variety of websites to visit, some of which are listed below:

www.constitutionday.com
www.ConstitutionFacts.com
www.constitutioncenter.org
www.constitutionweekusa.com
www.dar.org
www.archives.gov/calendar/constitution-day/



Scene at the Signing of the Constitution of the United States
 (1940) by Howard Chandler Christy

Currently in U. S. Capitol, House Wing, East Stairway

www.aoc.gov/art/other-paintings-and-murals/signing-constitution

Hispanic Heritage

by Mora Prestinary

In 1988 Congress passed [Pub. L. 100-402](#), which amended [Pub. L. 90-498](#) and established National Hispanic Heritage Month. An annual proclamation designates the 31-day period beginning September 15 and ending on October 15 as National Hispanic Heritage month, thus extending it from one day to one month. President George H.W. Bush issued the first proclamation, [Presidential Proclamation 6021](#), on September 14, 1989.

At this time, many prominent and noted personages of Hispanic origin are honored. Here are some prominent Orange County personalities:

Cruz Reynoso, an American civil rights lawyer and retired judge. Born in Brea, he attended the Wilson Grammar School, in La Habra, a racially segregated grade school for children of Mexican descent. His junior high school was integrated, as was Fullerton Union High School, from which he graduated. Reynoso was the first Chicano Associate Justice of the California

(Continued on page 2)

*Hispanic Heritage**(Continued from page 1)*

Supreme Court, serving from 1982–87. He also served on the California Third District Court of Appeal. See https://en.wikipedia.org/wiki/Cruz_Reynoso for a more complete bio.

Loretta L. Sánchez is the U.S. Representative for California's 46th congressional district, which includes the cities of Anaheim, Santa Ana, Orange and Garden Grove. She graduated from Katella High School in Anaheim in 1978. She received her undergraduate degree in Economics from Chapman College in Orange in 1982. Ms. Sanchez is running in the November 2016 U.S. Senate race in California. If she wins she will be the first Hispanic woman to serve in the United States Senate. See https://en.wikipedia.org/wiki/Loretta_Sanchez

Felicitas and Gonzalo Mendez. Felicitas was a Puerto Rican who was a pioneer of the American civil rights movement. In 1946, Felicitas and her husband Gonzalo Mendez, led an educational civil rights battle that changed California and set an important legal precedent for ending *de jure* segregation in the United States. Their landmark desegregation case, known as *Mendez v. Westminster*, paved the way for meaningful integration, public school reform, and the American civil rights movement.

Mendez, et al v. Westminster [sic] School District of Orange County, et al, 64 F.Supp. 544 (S.D. Cal. 1946), *aff'd*, 161 F.2d 774 (9th Cir. 1947) (en banc), was a 1947 federal court case that challenged racial segregation in Orange County, California schools. In its ruling, the United States Court of Appeals for the Ninth Circuit, in an *en banc* decision, held that the segregation of Mexican and Mexican American students into separate "Mexican schools" was unconstitutional.

Gonzalo Mendez, an immigrant from Mexico who had become a naturalized citizen of the United States, died in 1964 at the age of 51, unaware of the enormous long-term impact that *Mendez v. Westminster* would ultimately have. It was the first ruling in the United States in favor of desegregation. Governor Earl Warren, who would later become Chief Justice of the US Supreme Court, where he would preside over the *Brown v. Board of Education* case, signed into law the repeal of remaining segregationist provisions in the California statutes. The amicus brief filed for Mendez on behalf of the NAACP contained the arguments that would later be used in the *Brown* case.

"The *Mendez* case also deeply influenced the thinking of the California governor at the time, Earl Warren. This proved to be critical because eight years later in 1954, when the *Brown* case reached the U.S. Supreme Court, Earl Warren was its presiding member as the Chief Justice, and Thurgood Marshall argued the case before him."

From "Felicitas Mendez", *Wikipedia, The Free Encyclopedia, Wikimedia Foundation*, 14 September 2016.

https://en.wikipedia.org/wiki/Felicitas_Mendez



In 2007, the [United States Post Office issued a stamp](#) commemorating *Mendez v. Westminster*.




Voting Rights of Persons with Felony Convictions

by Elizabeth Harmon

Disenfranchise is a term used to describe the loss of some type of privilege or legal right, particularly the right to vote. The disenfranchisement of convicted felons restricts or takes away their privilege to vote. In 1792, Kentucky became the first state to establish in their constitution that "those who thereafter be convicted of bribery, perjury, forgery or other high crimes and misdemeanors" be excluded from the right to vote. Other states followed and included in their constitutions criminal disenfranchisement – California did so in 1849.

However, there are a wide variety of terms restricting felons voting rights from state to state. On one end of the spectrum is Vermont and Maine, which has no restrictions on felons voting. On the other end are Alabama, Arizona, Florida, Iowa, Kentucky, Mississippi, Nevada, Virginia, and Wyoming, which require voting rights restored by governor's or court actions. Within this group certain states have become more lenient such as Wyoming, which has restored rights to felons who have been convicted of non-violent felonies on completion of their sentence (as of January 1, 2016). Nevada has also restored rights to those convicted of less serious crimes when their sentence is finished. Virginia's Governor Terry McAuliffe used an executive order to reinstate voting rights to all felons who had completed their sentences plus parole, probation, and other requirements, which affected about 206,000 former prisoners. Though, his action was not without opposition and the Virginia Supreme Court ruled against the order - most of the judges were concerned with McAuliffe giving such a sweeping edict without considering each felon's case. McAuliffe stated he will continue to restore voting rights for each individual felon on a case-by-case basis.


The variables in between these other states are those states that remove privileges only when incarcerated: District of Columbia, Illinois, Indiana, Hawaii, Maryland, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, and Rhode Island. Maryland differs slightly if a conviction is for buying or selling votes, then the voting right can only be given back through a pardon. The remainder of the states from Alaska to New York – including California – rescind voting rights until the completion of the felon's sentence, parole or probation. There is a variation in this group: Nebraska requires a two-year waiting period after the conclusion of a sentence for restoration. State actions have been ongoing, with most new legislation aimed at overcoming the voting barriers for felons. For more information regarding restoration of voting rights go to www.ncsl.org. 

Small Claims Court

by Mora Prestinary

Small Claims Court is still one of the most used courts to settle disputes \$10,000 and under. However, you may never have to leave the comfort of your own home! There are many resources available online:

- Instructions and forms can be found on the California Courts Self-Help Center: www.courts.ca.gov/selfhelp-smallclaims.htm . (Also check the Small Claims [FAQ](#) on that web site, they are very helpful)
- Every County has a Small Claims Advisor for additional assistance: www.courts.ca.gov/selfhelp-advisors.htm .
- For more useful information on Small Claims Courts lawsuits see: Nolo Press web site: www.nolo.com/legal-encyclopedia/lawsuits-court & the CA Dept of Consumer Affairs Small Claims publication: www.dca.ca.gov/publications/small_claims/index.shtml
- Go to the Court's web site for instructions on how to E-File your case: www.occourts.org/online-services/efiling
- Assistance is also available via the OC Courts Self-Help Center website <http://www.occourts.org/self-help/>
Or in person at the Court's Self-Help Center, located on the first floor of the courthouse: 700 Civic Center Drive W, Santa Ana, (657) 622-7577. Other Self-Help Center locations at <http://www.occourts.org/self-help/smallclaims/index.html>
- **Everybody's Guide to Small Claims Court in California** full-text book by Ralph Warner, published by Nolo.
Electronic Access: From any computer (Library or home) via the database *EBSCO Legal Information Reference Center* Log in www.ocpll.org/databases2/ State Abbreviation: CA Password: orange

This publication is also available in the Law Library in the Reference Self-Help shelf, and Main Reading Floor 3 at call # KFC976 .W37 2015 

ask a
librarian

by Lu Nguyen

Q

I would like to request a default judgment by the Court?

A

You can find helpful instructions and forms in the Guide available on the Sacramento County Public Law Library website at www.saclaw.org/request-dj-court. Forms referenced in the Guide are state-mandated forms and can be used in Orange County.

At the Law Library:

Win Your Lawsuit - located in Reference Self-Help shelf, Floor 3 at call # KFC968 .D86 2010

Electronic Access: From any computer (Library or home) via the database *EBSCO Legal Information Reference Center*

Log in at www.ocpll.org/databases2/

State Abbreviation: CA

Password: orange

California Forms of Pleading and Practice -

In Main Reading Room Floor 3 at call # KFC1010.A65 C3

Electronic Access: On Law Library computers, Lexis database. Email/download results (free) or print (\$0.15 per page).

California Civil Procedure Before Trial -

In Main Reading Room Floor 3 on CEB shelves at call # KFC1020 .C34 2004

Electronic Access: On Law library computers, OnLaw database. Print Text, and print/download Forms (No email).

The Library will be closed

Friday November 11, 2016
&

Thursday November 24, 2016
Friday November 25, 2016
Saturday November 26, 2016



Looking at the Web by Mora Prestinary

Hispanic Heritage Month/Library of Congress
<http://hispanicheritagemonth.gov/>

Hispanic National Bar Association
<http://hnba.com/>

Orange County Hispanic Bar Association
<http://www.ochba.org/>

Spanish Place Names
<http://www.factmonster.com/spot/spanishnames.html>

English to Spanish/Spanish to English Dictionary
<http://www.spanishdict.com/translate/California>

English/Spanish Legal Glossary/Glosario Legal
<https://www.saccourt.ca.gov/general/legal-glossaries/docs/spanish-legal-glossary.pdf>

Limited-English Proficiency (LEP) Materials and Resources
<http://www.courts.ca.gov/partners/53.htm>

Fall Book Display, Floor 3:



Many classic novels and plays have been become highly successful films. Among them are those featuring lawyers testing their inimitable skills on film. The Library has put together a display of a few of those famous court trials for your enjoyment.

Orange County Public Law Library

515 North Flower Street
Santa Ana, CA 92703
Civic Center Plaza, Building 32
Tel:(714) 338-6790

www.ocpll.org

Transcript Contributors:

E. Harmon,
L. Nguyen,
M. Prestinary,
M. Solazzo (Editor).

Copyright 2016,
Orange County Public Law Library.
Material may be reprinted with permission