

2016 IATL China Program

I am pleased to report another successful year for The China Program. The delegates arrived in the U. S. on May 14, and after one week in San Jose at the orientation and two weeks in residence with their hosts, returned to China on June 6. I believe all concerned—the delegates, the hosts, the IATL faculty, and others—had a good experience.

The IATL faculty who ably conducted the weeklong orientation in San Jose this year were Jim Bostwick, Charlie Gotch, Sal Liccardo, Jerry Palmer, Gary Smith, and Bill Whitehurst. In addition, we had several guest lecturers: Prof. Anna Han, Santa Clara Law School (overview of U. S. legal system), Gary Patton, former President, Santa Cruz County Board of Supervisors (environmental law), and Scott Tsui, Santa Clara County assistant district attorney (criminal law). Bill Whitehurst led a spirited discussion of human rights issues, both in the U. S. and China, featuring the trial scene from the film, To Kill A Mockingbird, and the February, 2016, ABA Journal article, Detained: China's Crackdown on Lawyers.

In addition to class work, the delegates attended a meeting of the Downtown San Jose Rotary where they heard a well-delivered report on the state of the city by Mayor Sam Liccardo. His proud parents, Sal and Laura, were also in the audience. The delegates visited the Superior Court where they listened to the opening statements of counsel in an eminent domain case. Following their courthouse visit, the delegates returned to our office where they were sworn in as trial jurors, instructed in the law, and asked to select a foreperson and deliberate and decide the case. We told the delegates at least 8 out of the 10 of them had to agree in order to reach a verdict, and to knock on the door when they had one. After 20 minutes of sometimes heated debate, the knock came and the “jury” returned its 8-2 verdict for the property owner, awarding \$100,000 more than the “real” jury did a week later.

The Welcoming Dinner, held on Sunday, May 15 at the Fairmont Hotel, gets bigger and better every year, and this year was no exception. IATL President Dick Burbidge, and First Lady Sue Burbidge, were present, and Dick personally welcomed the over 200 guests in attendance. He also participated in the first day of orientation. Everyone enjoyed the introductions of the delegates by Vice-

President Mark White, with China Program adviser Yabo Lin acting as his English interpreter. As always, Carol Ann Hobby, Miss Alabama, was the hit of the evening.

The dinner speaker this year was Cameron Kerry, former Secretary of Commerce and brother of Secretary of State, John Kerry. Our speaker told of his experiences dealing with China as Secretary of Commerce, and concluded with the following:

“Perhaps most contradictory to the rule of law as opposed to the rule of man are the increasing detentions of rights lawyers.

“Here, I am reminded of a story that the writer Jane Mayer tells in her book, ‘The Dark Side,’ about U. S. use of detention and torture in the aftermath of the 9/11 attacks. She tells of a dinner in Washington not long after 9/11 attended by Robert Mueller, then the Director of the FBI, at which a liberal-minded guest was asking a lawyer representing detainees at the Guantanamo Bay how he could possibly represent such evil people. Later, Robert Mueller, whose FBI is deeply involved in counter-terrorism, stood up to give a toast, which he gave to the lawyer, ‘for doing what lawyers do.’

“Lawyers do what lawyers do. Representing unpopular defendants is not picking quarrels, and advocating enforcement of laws and the Constitution is not disrupting order.

“When he set China on the course toward rule of law over the rule of persons, Deng Xiaoping said that China will need hundreds of thousands of lawyers. Those lawyers need to do what lawyers do.

“Progress is a long march that does not move consistently in one direction. Legal realists and their intellectual heirs, critical legal studies thinkers, may view law as an instrument of those in power, but the goal of true rule of law is something that transcends political power.”

Quite inspiring, and a good start to our orientation week.

Following their week in San Jose, the delegates traveled to the homes of their hosts for a two-week visit. The hosts this year were Karen and Brian Burgess in Austin, TX; Tom and Joyce Comerford in Winston-Salem, NC; Fred and Robin Cunningham in Palm Beach Gardens, FL; Tom and Julie Edwards in Jacksonville, FL; Mark and Susan Fredkin in Monte Sereno, CA; Mike and Bekki Haggard in Coral Gables, FL; Mike and Arlynn Livingston in Honolulu, HI; Pam and Craig Mackey in Denver, CO; Frank and Tracy Neuner in Lafayette, LA; and Jack and Anita Scarola in West Palm Beach, FL. We received many warm emails from both hosts and delegates reporting the good times they had. (See attached examples.)

In closing, Sara and I would like to thank the IATL fellows who served on this year's faculty, volunteering so many hours of their time to welcome the delegates to America and prepare them for their two weeks in residence at the host homes. Thanks also to the IATL fellows and spouses and their families who hosted the delegates and made them feel so much at home. Thanks to the efforts of faculty and hosts, each year we have 10 more friends of America returning to China to continue the work of building its legal system so that someday China will truly have the Rule of Law.

On a personal note, Sara and I also wish to thank you for your support of The China Program and the decisions you made at the annual meeting in Washington, D. C. this year. After your overwhelming vote of confidence, we believe the Program is stronger than ever.

Finally, thank you for allowing us to lead this marvelous program. It is an honor and a privilege.

Best wishes.

Jim and Sara