

Keynote Address at the Institute for Civil Civic Engagement's Eighth Annual Conference on Restoring Civility to Civic Dialogue: Restoring Respect†

THE HONORABLE TANI G. CANTIL-SAKAUYE*
CARL LUNA**

Dr. Carl Luna (Moderator):

Thank you so much for joining us, Chief Justice. This is an important conversation we have been having this morning. I just wanted to ask you: What in your view is the critical role civic education plays in sustaining democracy?

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* © 2019 The Honorable Tani G. Cantil-Sakauye. Chief Justice Tani Gorre Cantil-Sakauye is the twenty-eighth Chief Justice of the State of California. Justice was sworn into office on January 3, 2011, and is the first Asian-Filipina American and the second woman to serve as the state's chief justice.

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The Honorable Tani G. Cantil-Sakauye:

Thank you, and I first want to say thank you so much for inviting me to be here with you—so many of you, all of you, leaders in education and the law. And I am especially pleased to see judges from San Diego Superior Court. These are leaders in civics and leaders in the community. Would you just please stand because it is important, I think, to know the work you do and that you are here today to hear and to join in this conversation. [Applause.] Thank you. I know I would tell you what they would tell you, I think what Justice [Judith] McConnell would tell you, and that is, our democracy is built on three branches of government to govern all of us in order to have access to justice and pursue freedoms and liberties. And civic education is important to understanding that because of how that affects everyday lives, from the temperature of your ice cream to being stopped in a vehicle, to whether or not you will be evicted. And civic education is just more than learning about government. It is also about learning to think critically, to express yourself with civility, to sit down at a table with people in conflict, and to be able to come to a resolution that helps you understand the roles and policies of each and to reach a negotiated agreement.

Civics is important because we do not learn this automatically. It has to be taught. It has to be modeled. It has to be engaged in. It requires participation. You get better at it. And, as you get better at it, you become a more contributing member of your society, your family, your relationships, your education, your profession. I mean, civics education is so pervasive. It provides so much for us to be able to live in this democracy and to have these freedoms that we share with each other and we might actually have in conflict.

Dr. Carl Luna:

Now if you had to sentence civic education in California, does it get a long sentence, or does it get parole for not quite living up to its promise? How would you measure civic education, and what are some of the problems you are seeing with a lack of it?

The Honorable Tani G. Cantil-Sakauye:

Well, I would say as a sentencing judge—I was a trial judge for fourteen years—I would find no ill intent [laughter] on the fact that it is taught in high school in the second semester of senior year. I will not hold it against them that they do not realize that inside the head of a senior in high school in the second semester is—I do not know what is in that head, but it is not civics, but that is when they are being taught it. [Laughter.] So I do not hold it against them. I consider that just a general mistake, so I would put them on community supervision.

And that is, I would put us all toward helping educate in a kinder, gentler way and making it more important, because civics has lost its foothold because other equally important educational subjects have taken hold—like STEM and other aspects of education for high school students. But, as important, particularly to understand why STEM is what it is, is the foundation of civic education. So I would give it supervision. I would put it on probation. And part of its sentence would be to be mentored by people who understand the value and importance of civics and to come and go to class at the Judicial Council and for other educational programs.

Dr. Carl Luna:

Now, and you have been working on that. [Applause.] Please. You have been working on that with your statewide Power of Democracy Initiative on our local affiliations with that. What are you finding has been the success of it, of the Power of Democracy Initiative, and what are the things that need to be done to empower it more?

The Honorable Tani G. Cantil-Sakauye:

I think the best example of success of our Power of Democracy organization is with an example: what San Diego has done. San Diego has the outstanding statewide leadership of Justice McConnell, who you heard from earlier, who heads our Power of Democracy Committee. It has been able to achieve the goal of actually reaching the students—having the students feel empowered, having the students take this as theirs, and getting them interested. Because once they are interested, they will always be interested. And so, while we set up some ideas and concepts and brought in helpful people to make this program work, what we really wanted to get was to the students and through our partnerships with the teachers, with the San Diego Unified School District, with judges in the classroom, with awards—we have been able to reach the students. That has been our goal. And you do not really know and see why judges on the outside, in the third branch, would even think about students. Why are we thinking about students? Because we know the value of building knowledge and building democracy, and we know that these are the students who will eventually come as adults as jurors, as witnesses, work in our courts with their education. So, we have an invested interest in having them educated. So, the great success is that it is reaching students, and San Diego is really the premier organization—the premier city—that is showing how it is done.

Dr. Carl Luna:

What happens with the students we do not reach? What do we need to do to reach more students and make them really engaged? And not just students in the classroom, but we are all students of life, so how do we keep California citizens engaged more in their political process, which determines so much of their life?

The Honorable Tani G. Cantil-Sakauye:

I agree. It is difficult. There are so many competing interests. There are so many other things to do. And when you do not understand the system, the environment seems foreign and hostile, and it also seems like something you would not engage in because of the narrative that we have seen, maybe, in different aspects of federal government. And so, I think we have a duty to first teach at all times. So, I can only speak for the judiciary. We have Judges in the Classroom. It is a pilot program. Judge [Carolyn M.] Caietti is a leader in San Diego, and she is bringing students and judges together. We have to teach. If we cannot teach adults, then we are certainly going to emphasize the classrooms. And we are going to emphasize K through twelve—through awards, through programs. We only have a finite group of people we can reach. But we also encourage judges, and I would encourage all professionals, when you get asked to speak somewhere and you do not know what to speak about, speak about the structure of how we operate. I always talk about the judiciary. It comes as a surprise to Silicon Valley start-up tech leaders—they never knew this about government. So it is something that reaches everyone in terms of your ability to go out and speak to the issue. I also think it is important that we reach adults. We have a nonprofit adult civics education program that we call the Institute for Democracy and Justice—it is fledgling, it is new—because we realize, California of 39 million people, a lot of folks have never seen a functioning democracy. What they get they might get, if they are lucky, from their children about that functioning democracy. So, what you are teaching is what the parents are getting. But we are trying to now reach out to adult civics and reaching organizations that have adults as members to teach civics. We started, frankly, with Justice McConnell, we started reaching out to legislators and having a summit. Many of our judges here were present where we were trying to talk about civics with legislators who understand perfectly the executive branch and the legislative branch, but the judiciary was kind of surprising to them. In turn, the legislative activity was surprising to many of our judges. So, we have a lot to learn, and it is always a learning experience. But it requires that we reach out, that we reach out with civility, that we provide forums—like this—to be able to spread the word.

Dr. Carl Luna:

And you were talking about creating a functioning democracy. How would you know that this is having traction—that initiatives like Power of Democracy, like what we are doing here—are actually moving the ball forward? What would be some of the metrics we should be looking for?

The Honorable Tani G. Cantil-Sakauye:

I think some of the metrics that we should be looking for we have sort of seen anecdotally. We have seen, for example, and I have been told when I visit award-winning schools that have won our civics award in our big program, I have students come to me and say—and some of them are English as a second language—they say: “You know, I was not thinking about beyond school and high school. I was not even attending but I got involved in a project, and I met these fun people, and I am doing this project. I am coming to school now. You know, I am thinking of going to community college.” I have had two or three students who speak English as a second language tell me that they are interested now, and they are excited and they are going to try community college, which is something that they had not thought about prior to being introduced to the concept through a civics education program through a high school teacher. So I think part of the metrics would be attendance in high schools. I also think part of the metrics could be moving on from high school and taking some other form of higher education. I think that the Superintendent of Public Instruction, in setting up assessment standards, is testing at some basic level the understanding of civics. I think that also moves the ball forward. I know that we have on our Power of Democracy Committee we have Secretary of State, Mr. Alex Padilla, and he talks about seeing the voting metrics go up, seeing more eighteen year olds registering to vote, being more aware of the concept that they should register in high school and be prepared to vote. So, I think there are metrics. We in the judiciary are not studying the metrics as much as I know the State Superintendent of Public Instruction, Mr. [Tony] Thurmond, is very interested in the metrics of what civics can accomplish.

Dr. Carl Luna:

That is an interesting point because that is my bread and butter; I teach high school students about American government. And I fully understand what you say that when they are a senior in high school, that may not be their single biggest focus in life, but my students tend to be engaged. But trying to get them to understand just what you were pointing out—the correlation between success in life and success of community, that they are tied together—is something that for a teenager is difficult to begin with, but as we move into our twenties and thirties we should internalize that. How do you get that message out at the youngest possible, that *me* is important, but *me* is a part of *we*?

The Honorable Tani G. Cantil-Sakaue:

I think a lot of this, in some respects, I think could be approached—I know it sounds simplistic—but current events really engage students because they hear about it from their parents or their friends. And a current event that maybe resonates with them, something that they think is interesting in the media now, and I think if you could turn that into a learning tool, if you could ask—and I mean I have told my own children to please download some app that tells you real news . . . I want you to download anything that tells you real news and just once a day, take a look at it. Just read the headline. And they come back and say things. I came home, “Mom, did you know that Notre Dame is burning?” And we had a discussion about “Well, how do you fix that?” And these private donations. I think it is ripe for interest. I think you can get young people interested in current events and have a half an hour of discussion with them about it. I think it could be, especially with so many good teachers, a really rich area to mine that gets them interested in thinking about the *us* and the world that I live in.

Dr. Carl Luna:

So, our traditional model—stemming from the classroom chalkboard diagram, the three branches of government—you still need that to a degree, but you are talking about really tying it to students’ lives.

The Honorable Tani G. Cantil-Sakaue:

Right. I think so much about civics, is yes, you talk about the structure because the structure, for me anyway, helps to determine the levers of power. So when people complain to me about something I will say, “Is that a law? And where does this law reside? In the Constitution? In a regulation?” So you sort of have to thread it back. If you want to change it, you have got to find its power source, so you do need to know something

about its structure. Does this come from the Constitution? Or, is it a Sacramento city ordinance from the mayor? Okay, now you know where your target is. And so, I think that is part of understanding the world you are in, but you cannot begin to engage that world until they are taught deliberative thinking. That means what other people think. And that means civilly exchanging your viewpoints and not disrespecting each other for a different viewpoint. It means being able to express yourself with some humor, with some understanding, with kindness, with thinking about how it works together, working in a group—working in a group together for one accomplishment, a particular project. All that to me comes under the rubric of civics: projects, critiques. And you can have fun with debates and mock trials, but it is about encouraging the student to think and to express himself and to know there is value in strength in that, and there is no right or wrong answer.

Dr. Carl Luna:

If you could wave a magic gavel to try to get people more engaged in politics and understand the branches, I do not know, maybe something like, we can develop a fantasy judicial league—pick your favorite judges to see who can best advance the Constitution—what would be a couple of other good solutions we might want, as community leaders and educators, to start looking at to really incorporate into our practices?

The Honorable Tani G. Cantil-Sakauye:

Well, short of a *Game of Thrones* eight-year season—now, we all know what the basic plot boils down to: The living versus the dead. I wish we could get there with that kind of interest, but I think the first thing I would do with my magic wand is probably rename civics. I think the name *civics* is a big snore. I know I can understand why people think, “Oh, civics.” And that civics engagement in its own way can be, for some folks, oxymoronic. So I think if we could rename it something like *leadership training*, or something along the lines where people understand you are not just going to learn about the three branches of government and how they check and balance each other but about deliberative thinking, and critical thinking, and sharing information, and being in solution together—that it would open up peoples’ minds to being interested.

The second thing I think, if I had the magic gavel, is we ought to fund civics education in schools the way that it should be funded so students come out of all schools with a robust understanding. And that part, I do

not understand. I do not understand why the legislature—it is in their vested interest to fund this. This is what they do; this is what the governor does. This is how you understand what is happening in California and all the other states and in the nation. So it would make sense to fund this so that we understand the participation and the hard challenges, and the fact that lots of policy decisions have to be made and there are many, many, many good ideas out there, but we can only do a few at a time. So, I would like to see it adequately funded.

And the third thing is that I would like to see more community involvement where teachers are not burdened by having to teach civics, that they get support from lawyers and business, and from labor, and from retired—all of the above—to help put on an engaging civics education hour for their students.

Dr. Carl Luna:

I think you hit on a key theme with that. Branding is always important in our modern age, and ultimately politics. Making a common decision for a group comes down to power, and power likes to be powerful. To let our students know that by understanding politics, understanding society, they can gain power in the system, I think is important. Do you think there are people, though, with power who do not particularly want everybody else to know how to get it?

The Honorable Tani G. Cantil-Sakauye:

I think that is absolutely true. But I also think there are enough folks, I would say in government, who realized that they got where they got because someone helped them along the way. Someone mentored them. Someone taught them. Someone gave them an opportunity. And I think that there are more of those folks, particularly in the judiciary, in the legislature, and the executive branch in California today than there are those who want power and do not want to share it. And that is exactly why you should get involved in civics, because power not shared is power easily abused.

Dr. Carl Luna:

An excellent point. [Applause.] In all your experiences so far, working with promoting civics, working with these students across California, what is a particularly fond memory that you have? What was a moment when you went, “Yes, this is having a difference”?

The Honorable Tani G. Cantil-Sakauye:

I think it is when I visit the schools and I see elementary students, I see kindergarten students, and I see them putting on a mock trial—even if it

is Harry Potter who is on trial. They understand there is a prosecutor, there is a defense attorney, there is a judge, there is a bailiff, and these students go for it, and with such enthusiasm. And they will never forget that experience.

Another time when I felt like this is working is there was another award-winning school of seniors who had walked across the street for their project, and they registered all of the freshman in college to vote. And in order to get the freshmen to come to the social—they knew that they had to encourage them—so they had a free root beer social. And the freshmen came down from the dorms, they had a free root beer, and they put out the forms to register and pick whatever party they were in order to register. So, I see it as students educating other students. When students have the energy and the passion for it, other students listen. I do not know that when I talk about it my daughters listen, but when their friends talk about it, they come home and say, “Hey, I heard that this happened.” And I say, “Yes, it did.” And so, it is through that other speaker that they become engaged.

Dr. Carl Luna:

With that magic gavel of yours, what would you do to gavel this group to move forward?

The Honorable Tani G. Cantil-Sakauye:

Well, I do not know all of the demands on your time, and all of the pressures you face, so I cannot be definitive. I would probably sit down and ask you what your challenges are, what you think you could, in fact, do in this arena, and then try to help you and put you with people in your community who could help you achieve that because the whole point is not to burden you. It is not to add to your workload, and the demands, and the things you have to do. It is to enrich it and bring in partners who can help you shoulder that burden, so to speak.

So I think a lot of it is communication. I was talking with Justice McConnell and people at our Judicial Council—our policy making body—of why should we not forge some relationship with the community colleges, where we can use judges who have retired from all work of judges but who have a wealth of information and would like to do something. Why are we not connecting them with community colleges in a way that they can provide some interactive educational program? They could reach out to lawyers and friends. [Applause.] They can come and speak at the class. They could give you a basic rundown on government. They could tell you

how trials work. I just think there is a wealth of people out there who have information who can share it at no cost and also be doing a common good for California. We need to think about how we can implement something like that.

Dr. Carl Luna:

And that is a conversation we are definitely going to continue. I want to thank you so much, ladies and gentlemen, the Chief Justice of California, Tani Cantil-Sakauye. [Applause.]