

## President's Page

by Patrick M. Flaherty, KCBA 2007-08 President

### Our Heritage

During jury selection some years ago in Sycamore, an English professor from Northern Illinois University declared that the legal profession was the "scourge of the twentieth century."

During a discussion about careers among recent college graduates, the question was asked: "What made you become a lawyer?"

During planning for the KCBA sesquicentennial book, the author inquired about the impact lawyers have had on our communities.

Whether correcting an antagonist, motivating a student, compiling a history or simply recharging your batteries, we should all step back from the daily grind every now and again and remember that the legal profession is one of the most noble and most consequential professions to which anyone can aspire. Our common heritage is rich and profound.

Think about the dark times in American history, the times when justice or freedom was at risk, and remember that it was lawyers and judges who stepped forward and defended liberty:

◆Lawyers Thomas Jefferson, John Adams, James Madison, Alexander Hamilton, John Jay and Patrick Henry stepped forward and gave voice to a revolution and expression to a new democracy. Some of the most venerable words ever written came from the minds and pens of lawyers:

*"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws*

*of nature and of nature's God entitled them, . . . "*

*"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness;"*

*"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."*

◆Lawyer John Adams stepped forward at great personal and political risk to defend the British soldiers charged with manslaughter for killing five colonists in the Boston Massacre. Six of the eight were acquitted. (The two soldiers convicted were punished by the branding of their thumbs.)

◆Lawyer Andrew Hamilton from Philadelphia stepped forward at great professional risk to defend New York publisher John Peter Zenger charged with libel and sedition against the governor of the New York colony. Two previous defense lawyers had been disbarred for challenging the tribunal established by the governor. Zenger was acquitted in one of the first cases to challenge the constitutionality of the crime rather than factual innocence. Townspeople gave Hamilton a small gold box as an expression of gratitude. A replica of that box is awarded each year to the outgoing president of the Philadelphia Bar Association with the inscription: "Acquired not by money but by character." The term

"Philadelphia lawyer" (originally a compliment to legal skill and talent) is believed to have originated with Hamilton.

◆In perhaps our darkest time, lawyer Abraham Lincoln stepped forward and issued the Emancipation Proclamation freeing slaves in the rebel states and later penned the immortal words of the Gettysburg Address:

*"Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure . . . The world will little note nor long remember what we say here, but it can never forget what they did here. . . . [We are] dedicated to the great task remaining before us: . . . that these [honored] dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people shall not perish from the earth."*

◆Lawyer Charles Evan Hughes stepped forward at great political risk to defend socialists expelled from the New York legislature and charged with sedition for opposing World War I. Hughes by then had been a presidential candidate and an associate justice of the Supreme Court but had yet to be returned to the Court as Chief Justice.

◆Lawyer Joseph Welch stepped forward and gave hope to a nation with his televised indignation at the recklessness and demagoguery of Senator Joseph McCarthy: "Have you no



sense of decency, sir? Have you left no sense of decency?"

◆Lawyer Thurgood Marshall (and many other brave but anonymous attorneys) stepped forward at great personal risk in the dark days of the Civil Rights struggle and fought courageous battles against American apartheid.

◆Lawyer Sam Ervin stepped forward with his folksy charm, arching eyebrows and flopping jowls and reassured a nation during Watergate that no person was above the law:

*"If the many allegations made to this date are true, then the burglars who broke into the headquarters of the Democratic National Committee at the Watergate were in effect breaking into the home of every citizen of the United States . . . seeking to steal . . . their most pre-*

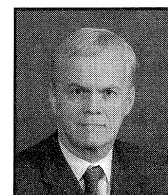
*ciuous heritage: the right to vote in a free election."*

*"I don't think they [White House officials] would have recognized the Bill of Rights if they met it on the street in broad daylight under a cloudless sky."*

◆Brave lawyers have recently stepped forward at great professional risk to restore fundamental due process for "enemy combatants" at Guantanamo notwithstanding public and government charges of being "unpatriotic" and the threat of economic consequences if law firms choose "terrorists" over "reputable clients."

◆Much less heralded but far more common are the thousands of lawyers in legal clinics, advocacy organizations and private offices here and across the country who everyday on matters large and small stand up for ordinary people who need a voice.

So to that English professor, to those college graduates and to that author - the legal profession is the architect and guardian of the liberty, equality and opportunity you enjoy. Your communities would be far less just, far less free, far less open and far less caring if it were not for the dedicated men and women who serve the profession so faithfully. I'm proud to be a lawyer. I hope you are, too.



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