

LAW DAY 2008

Tom Shanahan was a tough act to follow as a judge, and he's still a tough act to follow. For those of you who are looking at your watches, my name is Laurie Smith Camp, and my remarks are limited to 15 minutes. As I often tell lawyers, just because you *have* fifteen minutes doesn't mean you have to *use* fifteen minutes.

Today is the fiftieth anniversary of Law Day. How many of you were alive fifty years ago? How many of you were living in Omaha fifty years ago? Let me take you back to 1958. The Missouri river front was full of stockyards and toxic refineries, but no one complained, because we were told it smelled like money. The Omaha World-Herald published want ads in two sections: "men wanted" and "women wanted." That was convenient, because the jobs for men and women did not overlap. The jobs for white workers and black workers did not overlap very much. Omaha neighborhoods were segregated, not only through restrictive covenants. When a black family moved into a white neighborhood, mortgage lenders redlined the neighborhood describing it as impaired by "racial encroachment." If a house went up for sale in a white neighborhood, the neighbors would say to the owner: "Please be careful who buys your house. Our life savings is in our homes and we can't afford to have the neighborhood redlined." Because the neighborhoods were segregated, the schools were also largely segregated. That segregation was apparent when inter-school athletic competitions took place. Of course, the interschool athletic competitions were only for boys. That made sense, because college athletic scholarships were only for boys. Omaha's civic organizations and social clubs were segregated based on race, religion and sex. If you lived in Omaha in 1958, your destiny was determined largely by your race, your religion and your sex.

This year's Law Day theme suggests that the rule of law provides a foundation for communities of opportunity and equity. The rule of law alone does no such thing.

When the first colonists came to America, they brought with them the rule of law in the form of the English Common Law, specifically case precedents selected and compiled by the English Chief Justice Edward Coke. Chief Justice Coke was a cult hero among the separatists and puritans who settled in the New World, because he stood up to King James when the King wanted to take direct control of the Courts of England. Chief Justice Coke is best remembered for one statement: "The King is not under any man, but under God and the law." That was inspirational. But the rule of law did nothing to provide opportunity or equity for Chief Justice Coke's two wives whom he beat and robbed of all their inheritance. The rule of law did nothing for his 14-year-old daughter whom he also beat and sold into an unwilling marriage to a much older man. In our young Republic, the rule of law did nothing to provide opportunity or equity for native tribes that were moved from their homelands; it did nothing for Dred Scott when he sued for his freedom; or for Susan B. Anthony when she was tried for the crime of attempting to vote; or for children who were denied the protections to which animals were entitled.

It takes something more than the rule of law to provide a foundation for communities of opportunity and equity.

More than 2,000 years ago, a slave was brought from Africa to Rome. He took his master's family name, Terence, and became a great playwright. Terence is best remembered for one statement: "I am human; nothing that is human is alien to me."

Only when the rule of law is coupled with an appreciation of our

common humanity, does it generate opportunity with any degree of equity. We can be proud of Nebraskans who put this principle to action.

In 1879, the humanity of Ponca Chief Standing Bear was not alien to Omaha lawyers John Webster and Andrew Poppleton. They brought a habeas corpus petition in federal district court, arguing that Standing Bear should not be forced to return to a desolate reservation in Oklahoma. For the first time, a court recognized that an Indian is a person under the law, and Standing Bear began to enjoy a degree of opportunity and equity.

In World War I, the humanity of African American soldiers was not alien to General John Pershing, a graduate of the University of Nebraska school of law school. When English Generals asked that America's black soldiers be segregated from the British troops, Pershing said "These are American citizens. Naturally, I cannot and will not discriminate against these soldiers." Under Pershing, African American soldiers enjoyed a degree of opportunity and equity that they had not experienced before and did not experience again for many years.

In 1919, the humanity of Will Brown was not alien to Omaha lawyer Edward Smith who also happened to be the mayor. Will Brown was a black man whom historians believe was wrongfully accused of raping a white woman. Mayor Smith stood on the steps of the Douglas County Courthouse, which also housed the jail, facing a mob of 4,000, and said, "You will not take this prisoner." The rule of law fell miserably short that day, but Mayor Smith is remembered for his willingness to sacrifice his own life to save Will Brown and to preserve the rule of law.

In 1954, the humanity of children seeking an opportunity for education was not alien to Lee Rankin, a Nebraska lawyer who served as Eisenhower's Solicitor General. Rankin first persuaded Eisenhower that racial segregation violated the Equal Protection Clause of the Fourteenth Amendment, and then helped persuade the Supreme Court of that fact in the case of *Brown v. Board of Education*. A new generation of school children began to enjoy greater opportunity and equity.

In 1982, the humanity of Nebraskans who could not afford lawyers to help them in civil proceedings was not alien to Omaha lawyer Bob Spire, and so he founded the Volunteer Lawyers Project. Thanks to Bob and the hundreds of lawyers who volunteer their time and expertise each year, low-income Nebraskans find greater opportunity and equity under the law.

Nebraskans continue to couple the principles of the rule of law and empathy for all humanity. Most of you who lived in Omaha fifty years ago would acknowledge that our city is a better place to live today. But we still have a long way to go. Omaha's black middle class is shrinking, and the percentage of blacks living in poverty is growing. Omaha, like the rest of Nebraska, ranks very high in terms of the percentage of women in the work force, but very low when women's salaries are compared to men's. The number of women in elected positions in Omaha and Nebraska has been shrinking. And, as the president of Gallup Corporation has noted, Omaha may fail to attract young professionals because it is perceived as being intolerant of people with non-traditional families or lifestyles.

What more can Omahans do to build a community of opportunity and equity? I'll leave you with three thoughts.

First, who *you are* makes a difference. You are respected leaders in your workplace, your schools, your neighborhoods, your clubs, and your places of worship. What you say, how you react to what other people say, and the way you conduct your own life, in public and in private, send a powerful message.

Second, who your *client is* makes a difference. Whether or not you are a lawyer, you probably have a client. Your client is someone you have an obligation to serve, and an obligation to use independent judgment in serving. Whether your client is a large corporation or a child or a criminal defendant, your client is complex and multifaceted. In serving a client, a big part of your job is to be a good counselor. You can help your client to recognize the humanity of others, including adversaries, just as you recognize and respect the humanity of your adversaries. If you appeal to your client's best nature and highest instincts, and not the client's greed or desire for revenge, your client will be happier and so will you.

Third, we are all teachers and historians. Teach your children and grandchildren what it was like growing up in Omaha or elsewhere fifty years ago. Teach the history of slavery and Jim Crow. Tell the story of the trail of tears and of Cheyenne Autumn. Teach the accomplishments of the women's rights movements of the last three centuries. Please teach each generation the history of humanity so they will sink their fingernails into the opportunities of the twenty-first century and refuse ever to slide back.

Thank you for giving me the honor of joining you to celebrate the fiftieth anniversary of Law Day, and thank you for helping to make Omaha a community of opportunity, equity and humanity.