

February 2016

## Address to the Wyoming State Bar Annual Meeting 2006

Morris Dees

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### Recommended Citation

Morris Dees, *Address to the Wyoming State Bar Annual Meeting 2006*, 7 WYO. L. REV. 259 (2007).

Available at: <http://repository.uwyo.edu/wlr/vol7/iss1/8>

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### *Editor's Note*

Morris Dees is the founder and Chief Trial Counsel of the Southern Poverty Law Center in Montgomery, Alabama. Growing up on a small farm in Alabama, Dees confronted the inequities of racial prejudice at a young age. Dees' father, as Dees explains, "was different from most other white folks when it came to black folks." It seems Dees has been fighting for justice most of his life. As an attorney he is renowned for his courageous advocacy for those who lack access to the legal arena, protecting civil liberties and battling against hate crimes, often to his own peril. The Wyoming State Bar had the distinct pleasure of hosting Mr. Dees as its keynote speaker at the 2006 Annual Meeting. Mr. Dees' Address to the Wyoming State Bar was sponsored by the Carl M. Williams Speaker Series on Ethics and Professionalism, through the University of Wyoming College of Law. The *Wyoming Law Review* is grateful for the opportunity to publish the transcript of his address.

## **MORRIS DEES, KEYNOTE ADDRESS WYOMING STATE BAR ANNUAL MEETING AUGUST 17, 2006**

Thank you for having me at your dinner.

I am glad to be back in Wyoming. I have been here a number of times and thank you for inviting me to share your Bar Association's annual dinner. I am glad to be in a state that has a democratic governor and a red state. Governor Freudenthal, I wish you the absolute best.

I am a Yellow Dog Democrat from Alabama. I am mostly glad to be in a state where I think everybody knows everybody. One time I rode my motorcycle out here and was looking for a place to leave it because I had to fly back. I met a gentleman, Judge Rose, who is now deceased. He was on your Supreme Court. Someone said to call him because he knew somebody that rode motorcycles that might let me park my bike at their farm. He mentioned a man named Pete McNiff. I called McNiff and he said I was welcome to park my bike at his farm. He said, "I have a small farm out here, my family has." I got out there and there were 65,000 acres. He said that they made a lot of money on cattle. I rode to this farm and had to dodge oil wells all the way out there. So, I got to the bottom of that secret.

He invited me back there one time to a round-up. That is where, you know, all the neighbors come and you drive these cattle from thousands of acres. There is not a lot of grass out there and the cows go from blade of grass to blade of grass and walk a mile or two. Back in Alabama, we have a lot of cattle and we are lucky

to see them once a year because they stay in the swamps and it is hard to find them. Well, we got them all up in this big pen and, naturally, they were going to vaccinate the calves and do all the things you do. I jumped off the horse and had them in this big corral. We have big heavy wooden corrals and we run the cows up in a chute and squeeze their heads and grab the calves and wrestle them to the ground. So, we got them up there, and I am standing around waiting and there are teams of people with branding irons and all that stuff. I simply walked over and grabbed a calf by one hind leg and another by another and drug them up there. Pete said, "No, no! You don't do it that way." All of these young girls came up with their ropes and they lassoed these little calves by their hind legs and dragged them up.

So, I had my kind of "commin, uppins," real quick. I kept talking about Alabama. Pete and his buddies all ride motorcycles, so they are kind of gentleman riders. They have someone put their bikes on the back of a truck and haul them to Alabama. Then they fly in. I said, "Pete and Jack, you know I want to warn you before you come that there are going to be a lot of rednecks in Alabama. I don't mean that in a negative way, because I are one." So they came on anyway. They were a little concerned when they got to Montgomery and I had to go to a Dees family reunion. I decided to carry them with me. My cousin was going and he was looking for a date. That kind of got Jack's curiosity up and Jack said, "You know, tell me, what is a redneck?" I said, "Well you know, we used to come from very small towns. The town I came from, a little cotton farm and community in Mountain Lakes, Alabama, was so small that if you blinked your eyes when you drove through, you wouldn't see it. For a long time, I really, really thought I lived in 'Resume Speed.'"

Well, my cousin got a café. There was a one-room schoolhouse they closed and he got it. He has a restaurant there and the name is Red Dees. A lot of Dees hang out in that area. It was on a Sunday when we went down and, naturally, another thing we rednecks do is go to church a lot. We went to this little hard-shell Baptist Church that wasn't but twenty by thirty feet. Pete and all of his motorcycle crowd were there and the bikes were parked out front. My cousin sang a couple of songs and played the guitar. The preacher stood up and started preaching. He was preaching a temperance lesson against drinking. I think that got the best of Jack Speight. Jack stood up and said, "Preacher, now wasn't that Jesus and one of his miracles that turned water into wine?" The preacher didn't even bat an eye. He said, "Sir, you know, if you hadn't done that we would have thought a whole lot more of him and if he hadn't done that." Well, we got out of that place and we left and moved around. We had a good time traveling around with Jack and Pete and others, and I found we had a lot in common.

As lawyers, regardless of a difference in our political philosophies, we believe in justice and fairness. I think that is the bottom line of what we all do together. I really enjoyed the speech made today by the president of the American Bar

Association, as you heard it. She talked about the Rule of Law. We have had lawyers over the centuries and lawyers that staked out great reputations for making a stand for fairness and justice, even in the face of highly unpopular cases.

One of those lawyers was a young lawyer in Boston, Massachusetts. His name was John Adams. Mr. Adams had created quite a reputation for himself up there. He had an opportunity to represent one of the young patriots who was trying to make a change of government in our country. The year was about 1774, and this young man that Adams represented brought a boat load of wine in from Spain. He was captured in the middle of the night with his boat. They took the boat, took his wine and they threw the boat captain in jail. John Adams took the case. Through some clever arguing on his part (and maybe because those taxing officials of the British Crown were a little bit concerned about that budding revolution) they returned the boat to this boat captain and released him from jail. His client in that case that got him a good reputation was John Hancock. The name of his boat was "Miss Liberty."

While times rocked on, and turmoil increased, and bitterness against the King for taxing people without representation, an incident happened in downtown Boston that you have probably heard of. A large group of people were gathered together protesting and began to throw rocks and bottles. They were gathered on Boston Commons and protested against the King. There were about seven or eight British redcoat policemen standing around and these fellows tried to keep law and order. Bottles and rocks began to be thrown from the crowd. I guess you might say in self-defense, they shot into the crowd and killed a couple of citizens. You know this incident as the Boston Massacre.

Well, this kind of disturbed the people there, and there were opportunities for a lot more dissension, so the Governor appointed by King George decided and said, "Well look, I think I will just have the prosecutor indict these soldiers. They are not going to be convicted, because I know that we will get some really fine lawyers to represent the King's business here to step forward and get them acquitted." Well, dutifully, they were indicted and none of these fine lawyers, who were upstanding lawyers at the bar, decided to take on this case because they probably also had their finger in the wind and were aware of the budding revolution that was fixing to take place. So, the Governor now was in a bit of quandary. He called on John Adams to come to his office and said, "Mr. Adams, I know you have a good reputation as a trial lawyer, would you represent Captain Preston and these soldiers?" Adams knew about the case and said, "Well look, I will let you know." So Adams left and talked to his friends and they said he would be an absolute fool to take this case. They said, "These people, these redcoats, these British, they are the most unpopular people that could be in this colony at this time and you will ruin your reputation if you take this case. You have the chance to be a leader in this country that we are going to set up."

He took the case anyway and worked hard on the case. He did a good job, and the jury acquitted these few soldiers of murder and Captain Preston along with them. In this story it is written that Adams' brilliant summation revealed his awareness of the potential personal and political risk for him to take on this popular case, but Adams declared that if he could save only one life, the blessings and tears of that one person, would be for him a sufficient consolation for the contempt of the masses. Adams wrote in his own autobiography that he felt that his representation of these British redcoats in that case, was the greatest piece of service that he ever rendered this country, because he made sure the Rule of Law prevailed.

Shakespeare and Henry VI talked about lawyers and many of you are pretty aware of the slogan that came out of that play. I have seen it on tee-shirts, and I have even seen law students wear these tee-shirts. We all know what it said—"First you must kill all the lawyers." Well, you Shakespeare scholars out here know the real statement from Shakespeare. It says—"If tyranny must prevail, you must first kill the lawyers."

As we have grown as a nation, there have been times that tyrants have ruled this country. We have had George Wallace in Alabama and to oppose him would make you very unpopular in Alabama. Our days in the South, to take a case against the Ku Klux Klan, would put you at odds with people who would ruin your home and kill you if they could.

I think we face a situation today that is very similar. We had a war recently in Afghanistan, and it was a result of the World Trade Center and other buildings being destroyed by people flying airplanes into them. It was a great tragedy, and I have to tell you that my wife and I lay in bed watching those buildings and watching the stories. At that time I wanted to know where I could go sign up; I wanted to join those to track down the Taliban and whoever was responsible.

In the early stages of that war, we began to round up individuals who might be responsible leaders in the Taliban and we carried them to Guantanamo Bay, Cuba and locked them up. Some of those people who were locked up there were nothing but shepherds and farmers, because a \$10,000 bounty was offered if you reported on somebody who was in the Taliban. Sometimes the only evidence was the individual's statement, who got the award by turning in someone. Well, those people went to Guantanamo Bay and they languished and they are still there today after many years.

Well, something had to be done so our administration of the Washington Department of Defense came up with an idea to give them a trial to determine their guilt or innocence. They set up a military commission. The rules of this trial supposedly would be that the person would not see the evidence against him or

have the opportunity to attend the trial. And, in most cases, their lawyers would not even know the evidence. It would be some kind of star chamber proceeding.

Well, a young lawyer, thirty-six years old in Washington D. C., took a leave from his job and took on the representation of those people in Guantanamo Bay to be sure and see if he could gain for them a fair trial.

He was a federal public defender who felt that it wasn't a just and fair thing and he has spent the last two years working on defending those people and giving them the opportunity to have a fair trial. Well, the case went to the Supreme Court and a couple of weeks ago, the U.S. Supreme Court ruled that those military commissions violated the Rule of Law. In writing the majority opinion, Justice John Paul Stevens, quoting none other than one of the founders of our nation, James Madison, said, "The accumulation of all powers, legislative, executive and judiciary in the same hands, may justly be pronounced the very definition of tyranny."

I don't know if we went around asking volunteers to represent those people today, how many volunteers we would get. Probably not any more than the Governor of the Massachusetts Bay Colony got when he was trying to represent the redcoats. But as you know, John Adams took that case. It didn't hurt his reputation, and he was elected the second President of the United States. We did have the Rule of Law in the colonies and we have the Rule of Law today. That is what really our justice system is all about.

I think if I had a mentor it would be Clarence Darrow. As you know, he was a great civil libertarian lawyer, but also, Clarence Darrow was the lawyer for the Ohio and Western Railroad. Even though he continued to do cases representing labor unions, the railroad trusted him and liked him so much that they continued to let him do work for them that was not of a competing nature for many, many years to come. He was one of America's great, great lawyers. He said, "Look, what we have to do is to deal with the great questions that are agitating the world today."

Well, America is holding itself up as the gold standard to the Rule of Law to the world. We can't lock up people in Guantanamo Bay and not give them a trial and let them rot away forever. That is a great question that is agitating our world today. The young lawyer that stood up and quit his job, the young lawyer that is in this room tonight representing some of those people, deserves the greatest commendation for living the life of a lawyer seeking justice.

Darrow set many good examples for us. I think one of the best ones he set was when he represented a labor union organizer in the town of Appleton, Wisconsin in 1912. Most of you probably don't even know from history, but during those times, we didn't have any labor unions outside of the great metropolitan areas and

in many states, this state included. Wisconsin passed a law that it was a felony to organize a labor union. In other words, it was a conspiracy to violate the rights of the owner of a factory to organize workers to strike. Well, this labor organizer went to Appleton, Wisconsin because that was a very compelling situation that he felt needed addressing. There was a man who had a factory that made windows and doors and he had about 1,200 people working there. It was the largest employer in Appleton, and he paid them \$1.00 per hour and was a ruthless-type fellow. He didn't put safeguards on saws and fans that would suck out sawdust because all of those things cost money and also slowed production.

This labor union organizer got there and went to work doing what labor organizers do. He called people together and explained their rights and told them that, through collective bargaining, they might get a better deal. It wasn't long before the prosecutor, there by the urging of this factory owner, had this man indicted. In order to make sure that he was convicted, this factory owner played a bit part in the trial itself and paid a lawyer to be a special prosecutor. Darrow hadn't had a great reputation and was just getting started. He went out to Appleton to represent this organizer. When he got there, he looked over the town and tried to get himself acclimated to the community and learned who was what and what was going on in the community. At the trial, as the prosecutor put on his evidence, one witness after another, he built an airtight case. Clearly the man was guilty. They had people who heard him and had his flyers and had everything they needed to convict him.

As Darrow sat through this trial, he didn't ask any questions. He didn't question a single witness, except the last one that took the stand. It was the owner of the factory. He had nothing evidentiary-wise to offer, but wanted that jury (many of the jurors had family members who worked in the mill) to know that, if they ruled for this factory owner, that it might be detrimental to the jobs of their loved ones. He took the stand and told about his great accomplishments setting up his factory and that he was trying to do everything he could to help these workers and they had no reason for a union in the town. Darrow listened.

When it came time to cross-examine this factory owner, Mr. Darrow, who hadn't asked many questions, (the judge probably gave him more leeway than he would if he was really involved in a contested case there) began to ask questions that would probably be objectionable to ask. Things that didn't bear guilt or innocence, but he painted a picture of this man in front of that jury. He said, "Sir, you know, I have been riding around Appleton for a few weeks and I noticed when I come into town, on the tallest hill I see this great and beautiful mansion. Is that where you live?" The man said, "Yes, that is where I live." He said, "I noticed there is a big limousine that is always bringing you into the court everyday and taking you home. Is that your car?" He said, "Yes, sir, that is my car." "You know I questioned these jurors and many of them, in fact all of them, send their

children to the wonderful public schools of Appleton, where do you send your children to school?" He said, "Well, you know I send them to Exeter over there in Connecticut."

Darrow continued to ask him questions that kind of painted a picture of him being a very rich and powerful man who lived in luxury.

The prosecutor made his closing argument, adding one brick upon another and an airtight case. Darrow stood before the jury to make a very brief and compelling statement and said, "You have been here for the last two weeks, listening to the evidence in this case and, before long, the judge is going to charge you on the law that you shall use to apply this evidence. It is impossible to present this case to you without a broad survey of the great questions that are agitating our world today. For whatever rich form, ladies and gentlemen of the jury, this is not a criminal case. It is but an episode in that great battle of human liberty, a battle of tyranny and oppression, that will not end so long as the children of one father shall be compelled to toil and poverty to support the children of another in luxury and ease.

Darrow gave that jury an opportunity to lift the simple facts of the case up into something that is meaningful to them as citizens of that community. And, he gave them the opportunity to make a ruling that they would be proud of for the rest of their lives. He appealed to them for justice.

That jury was out in less than an hour and they returned with a not-guilty verdict.

Our nation faces very difficult times. All of these difficult times we have faced in the past and present, have involved lawyers and our legal profession. In my lifetime, I have been a part of some of those difficult periods.

I remember when I got out of law school in 1960. Things were solidly segregated in the South and actually in many other parts of the country. There was more violence in going to school in Boston than in Birmingham, Alabama. And during those times, Dr. King was very concerned about the future of this nation. He must have had a heavy heart when he delivered the eulogy in 1963. He had only been out of the Birmingham jail for a few weeks when those three little Sunday school girls, whose bodies had been blown apart by bombs planted by the Ku Klux Klan, died. But Dr. King believed in us. He had faith in us as a nation. He had faith in our judicial system and he had faith in us as lawyers. He had faith in those who were with us then and those who were coming in the future. He went to Washington, D. C. to express that faith.

He stood at the Mall with 250,000 people at his feet, millions watching on television, when he told us that he believed in us. He said, "I have a dream that one day in the red clay hills of Georgia, the sons of former slaves and the sons of former slave owners, will sit down around the table of brotherhood."

Well, that has happened since Dr. King left us. We have taken three steps forward and two steps back. I doubt if he would recognize the landscape if he was here today, but I think he would still have that faith in us. And if he was making that same speech today, if I might be so bold to put words in this great man's mouth, he might say that, "I have a dream one day in the red clay hills of Georgia" and today might add, "in the barrios, on the reservations, in the ghettos and in the seats of economic and political power in this nation, that the sons and daughter of former slaves and sons and daughters of former slave owners," today he might add, "the poor, the powerless, and those who hold the keys to the economic and political power of this nation, will sit down around the table of personhood and truly learn to love one another."

When Dr. King was with us, he made a little speech and I had the opportunity to hear him. I think he made this little talk as a warning to us, because he questioned whether our nation's democracy would continue at a time when we treated millions of our citizens less than second class. I think he told us this, maybe that we might learn from this story.

The year was 1200 B.C. The Jews and the children of Israel had been slaves in Egypt. They had been released to freedom. They wandered from place to place over many, many centuries looking for homeland. They finally settled and built a city called, City State, back then.

Big high walls had been built around this city and they had big gates at the entrance. They prospered. Those who had good opportunities to make money got nice building lots and built beautiful homes overlooking fertile valleys. In this city they had an education system, banking system, courts and law enforcement, much like we have today. They also had a great marketplace in the middle of this town, where people from far and wide brought their products in to sell. There was one farmer who got there very early in the morning to get a good stall in the market. He came there from a neighboring village, his wagon filled with produce. While he was waiting there he saw able-bodied men and women reaching out and begging for a few grains from his wagon. Upon inquiry, he learned that if he didn't know the right people, he didn't get a good job or job at all, especially if he wasn't from the right group.

When he got to the market, he put his produce out in his stall, and he heard grumbling from the people that walked by. He heard them talking about the court system and they said the people began to say it depends on who you know and what group you are a part of, for the kind of justice you get in the court

system. This bothered the farmer because he knew of the great promise of this new state and this city and he knew the trials and tribulations that came through to form this great state. He wanted an opportunity to go to the leaders and express his concern.

I am sure that most of you know who this farmer was. He was a biblical prophet, Amos. Amos went before the council of leaders and said, “Folks, you know you have a good thing going here, but unless you apply the Rule of Law to anybody fairly, then you won’t get to keep what you have and pass it down to future generations. Unless you are fair, I predict, there won’t be one stone left upon another of this great city.” He spoke to those leaders in the words that Dr. King spoke to us in another dark day in the history of this country. Amos said, “Don’t be satisfied until justice rolls down like waters and righteousness like a mighty spring.”

I think that is a challenge to all of us in our profession. When we graduated from law school—and most of you graduated from this law school here—they handed you the keys to the gates of justice. I am sure that most of you when you walked away, with that freshly minted license in your hand, expected that you would, and hoped that you could, make a difference in people’s lives. Many of you have. It is important as we face the challenges of today, not to get caught up in liberal and conservative politics, Democrat and Republican, you name it.

It is important that we stick with the Rule of Law. That is going to be the salvation of this great nation and you as lawyers as the pillars of the foundation of this nation.

Thank you so very much.

(I would like to thank the many of you here that support the work of the Southern Poverty Law Center. Many of you came up to me tonight and many of you have been contributing. I didn’t come here to make a request for funds and do thank you. Tomorrow, I am putting my life in the hands of Jack Speight and Pete and all of his buddies, and we are going to take off at 7:30 in the morning and tour some of the West.)