

# WHAT BROUGHT YOU TO THE LAW? ©

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**FEDERAL BAR ASSOCIATION BARBARA  
ROM/HISTORICAL SOCIETY LUNCHEON**

I HAD NO INTENTION TO BECOME AN ATTORNEY UNTIL MY SENIOR YEAR IN COLLEGE. UNTIL THEN I HAD EVERY INTENTION TO BECOME A JOURNALIST.

I GARNERED AN INTERVIEW AT A LOCAL PAPER IN THE CITY OF DETROIT. I TOOK MY PORTFOLIO OF WORK WHICH I THOUGHT WAS VERY GOOD - PARTICULARLY SINCE I HAD SPENT THE SUMMER AS A STRINGER FOR ANOTHER PAPER.

THE EDITOR LOOKED AT MY PORTFOLIO, LOOKED UP AND SAID, “YOUR WORK IS VERY FINE, BUT WE JUST HIRED A BLACK REPORTER.”

OVER THE YEARS, I HAVE RECALLED THIS MOMENT IN TIME. PARTICULARLY WHEN AFFIRMATIVE ACTION

PROGRAMS WHICH BENEFIT MINORITIES HAVE COME UNDER ATTACK.

IN THOSE ATTACKS, WHAT SEEMS TO HAVE BEEN FORGOTTEN IS THAT FOR CENTURIES, THERE WERE QUOTAS OF NONE – OR ONE – WHICH PREVENTED MINORITIES FROM ACCESS AND A SEAT AT THE TABLE AND IN THE BOARD ROOMS...

THIS WAS IN THE FALL OF 1972. I WAS CRUSHED - AND SO WAS THE DREAM I HAD NURTURED SINCE CHILDHOOD.

MY FUTURE HUSBAND DROVE ME TO THAT INTERVIEW. I LEFT THE INTERVIEW, CAME TO HIS CAR, AND BURST INTO TEARS AS I EXPLAINED TO HIM WHAT HAPPENED.

HIS REACTION AND ADVICE WAS:

“YOU SHOULD GO TO LAW SCHOOL TO FIGHT THIS INJUSTICE.”

MANY PEOPLE ENTER LAW SCHOOL WITH THE DREAM/BELIEF THAT THEY CAN CHANGE THE WORLD. THAT THEY CAN MAKE A DIFFERENCE.

WHAT BROUGHT YOU HERE?

I AM REMINDED OF THE WORK OF THURGOOD MARSHALL. BEFORE HE BECAME AN ASSOCIATE JUSTICE ON THE UNITED STATES SUPREME COURT, HE WAS GENERAL COUNSEL FOR THE NAACP LEGAL DEFENSE FUND.

HE HAD AN A -TEAM OF LAWYERS, INCLUDING CONSTANCE BAKER MOTLEY.

MOTLEY WAS THE FIRST BLACK WOMAN TO ARGUE A CASE BEFORE THE UNITED STATES SUPREME COURT - IN 1966 –

SHE ALSO WAS THE FIRST BLACK WOMAN TO BE NOMINATED AS A FEDERAL JUDGE - ALSO IN 1966.

THAT A-TEAM PREPARED THE BRIEF THAT WAS THE FOUNDATION OF MARSHALL'S ARGUMENT IN *BROWN V. BOARD OF EDUCATION OF TOPEKA*. THE UNANIMOUS 1954 DECISION STRUCK DOWN THE DOCTRINE OF SEPARATE BUT EQUAL THAT HAD BEEN THE LAW OF THE LAND SINCE *PLESSY V. FERGUSON* DECIDED IN 1896.

70 YEARS LATER WE STILL ARE IN PURSUIT OF COMPLETE EQUALITY IN EDUCATION AND OTHER SPHERES OF LIFE IN THIS COUNTRY ---ALTHOUGH THE DECISION MARKED A DEFINING MOMENT IN U.S. HISTORY.

BUT FOR THAT DECISION, THIS ROOM WOULD NOT LOOK LIKE IT DOES TODAY.

FOR EXAMPLE, IN 1873, THE SUPREMES DECIDED BRADWELL V STATE OF ILLINOIS. THAT DECISION UPHELD THE RIGHT OF ILLINOIS TO DENY LAW LICENSES TO WOMEN AND SOLIDIFIED A MOST NARROW READING OF THE PRIVILEGES AND IMMUNITIES CLAUSE OF THE 14TH AMENDMENT.

THERE IS STILL SO MUCH TO BE DONE. WE ARE CONSTANTLY BARRAGED WITH INFORMATION, DISINFORMATION, AND NEWS WITH STARTLING HEADLINES, DESIGNED TO APPEAL TO OUR RAW EMOTIONS. WE DON'T KNOW WHAT TO BELIEVE IN

THIS 24 HOUR “BREAKING NEWS” CYCLE THAT IS ALWAYS BREAKING.

WE WONDER WHAT IS NEXT.

AS STUDENTS OF THE LAW (YES, WE CONTINUE TO PRACTICE!), WE MUST KEEP THINGS IN PERSPECTIVE, IN CONTEXT.

PART OF KEEPING THINGS IN CONTEXT IS KNOWING - AND ACCEPTING - THAT HISTORY DOES REPEAT ITSELF,

SO THAT WE AS ENGINEERS OF SOCIAL CHANGE - CAN TRY NOT TO REPEAT PAINFUL MISTAKES, AND BUILD AND REPLACE THE OLD DYNAMIC WITH A NEW HISTORY. JUST AS *BROWN V. BOARD OF EDUCATION* DID.

LET ME GIVE EXAMPLES OF HISTORY REPEATING ITSELF.

## **GENOCIDE**

GENOCIDE IS THE DELIBERATE AND SYSTEMIC DESTRUCTION OF AN ETHNIC, RELIGIOUS, RACIAL OR NATIONAL GROUP.

THE HOLOCAUST IMMEDIATELY COMES TO MIND. NAZI GERMANY SYSTEMICALLY ROUNDED UP AND IMPRISONED JEWS.

SOME OF YOU MAY NOT KNOW THAT THAT ROUNDUP INCLUDED GAYS, COMMUNISTS AND OTHERS WHO DID NOT FIT HITLER'S WORLD VIEW --

PEOPLE WITH "ASIATIC" FEATURES, INSTITUTIONALIZED CHILDREN WITH DISABILITIES, POLES AND SLAVICS.

11 MILLION CONCENTRATION CAMP PRISONERS DIED.

TODAY, GERMANY MANDATES TEACHING OF THE HOLOCAUST TO ALL STUDENTS SO THAT FUTURE GENERATIONS DO NOT REPEAT THE HORROR.

BUT IT HAS REPEATED – TIME AND TIME AGAIN.

IN CAMBODIA KHMER ROUGE BETWEEN 1975 - 1979 -  
2 MILLION POLITICAL DISSIDENTS WERE KILLED.

DURING A 100 DAY PERIOD IN 1994, RWANDA'S HUTU  
GOVERNMENT KILLED 500,000 - 1 MILLION TUTSIS.

SYRIAN PRESIDENT BASHAR AL-ASSAD IS ACCUSED  
OF KILLING HIS OWN PEOPLE TO RETAIN POWER.

HE USED BANNED CHEMICAL WEAPONS AGAINST  
THEM.

WE HAVE SEEN THE GENOCIDE OF ARMENIAN  
PEOPLE.

WE KNOW WHAT HAPPENED IN BANGLADESH.

IT IS AN ONGOING GENOCIDE OF THE MUSLIM  
ROHINGHA PEOPLE, CONSISTING OF ARSON, RAPE,  
AND INFANTICIDE.

SOME MAY SAY WHAT IS GOING ON TODAY IN GHAZA  
IS A SYSTEMIC ATTEMPT TO EXTERMINATE  
PALESTINIANS.

HISTORY REPEATING THROUGH WAR AND  
DESTRUCTION

## **CIVIL RIGHTS**

RACE RIOTS ARE HISTORICAL.  
WE HAD THE SLAVE REBELLION IN 1526.  
CINCINNATI EXPERIENCED A RACE RIOT IN 1829  
AND AGAIN IN 2001.

DETROIT IN 1863, 1943 AND AGAIN IN 1967.

THROUGHOUT THE 1900s:

NEW ORLEANS.  
DES MOINE IOWA.  
TULSA.  
CAMBRIDGE.  
WATTS.

LOS ANGELES IN 1992 FOLLOWING THE EXCESSIVE  
FORCE USED AGAINST RODNEY KING.

BLACK LIVES MATTER IN 2020.



WE FIGHT TO END RACIAL DISCRIMINATION AND INEQUALITY.

PROTESTS ARE RAMPANT TO BRING ATTENTION TO THE NEED FOR REFORM, PEOPLE ENGAGE IN PROTESTS AND MARCHES.

NON-VIOLENCE IS TOUTED AS THE SOLUTION. HISTORY REPEATING.

## **MASS SHOOTINGS.**

IT MAY FEEL LIKE A MORE RECENT PHENOMENA, BUT THE FIRST MASS SHOOTING IN THE U.S. WAS IN 1949 IN CAMDEN NEW JERSEY.

HOWARD UNRUH HAD HAD ONGOING DISPUTES WITH HIS NEIGHBORS. ON THAT FATEFUL NIGHT, A GATE TO A FENCE UNRUH HAD INSTALLED WAS TAMPERED WITH.

THIS WAS THE FINAL STRAW FOR HIM.

HE ENTERED HIS APARTMENT, GATHERED A 9 MM LUGER, 2 CLIPS, AND 33 CARTRIDGES. IN HIS RAMPAGE, HE MURDERED 13 PEOPLE IN 20 MINUTES.

UNRUH IS REGARDED AS THE FIRST “LONE WOLF” MASS MURDERER IN THE UNITED STATES.

ONE WRITER DESCRIBED IT AS A “WATERSHED MOMENT.”

IN 1966, CHARLES WHITMAN BECAME KNOWN AS THE UNIVERSITY OF TEXAS SNIPER.

FROM A TOWER - WHITMAN SHOT INDISCRIMINATELY, KILLING 15 AND INJURING 31.

THAT MASSACRE WAS SURPASSED IN 1984 BY THE SAN YSIDRO MCDONALD’S MASSACRE.

FAST FORWARD TO THE VIRGINIA TECH SHOOTING IN 2007. THAT RESULTED IN A DEATH TOLL OF 32.

AT LEAST FOR TODAY, IT IS THE DEADLIEST SCHOOL SHOOTING IN AMERICAN HISTORY.

SADLY - WE ARE BOMBARDED BY THE IMAGES OF CHILDREN BEING PREYED UPON BY GUNMEN IN THEIR SCHOOLS.

WITH EACH MASS MURDER, THERE WAS AND IS A CALL FOR GUN REFORM AND A DEFENSE OF THE SECOND AMENDMENT.

DOES THIS SOUND FAMILIAR?  
HISTORY REPEATING.

## **PANDEMICS**

IN 1918, A FLU EPIDEMIC SWEEPED THE WORLD.

50 MILLION DIED. THE PUBLIC BECAME POLARIZED.

THE QUESTIONS ASKED IN 1918 WERE:

1. SHOULD PEOPLE BE BANNED FROM GATHERING?
2. SHOULD PEOPLE WEAR MASKS?

3. HOW DO WE SAVE THE ECONOMY WITH SO MANY PEOPLE ON LOCKDOWN?

DOES THIS SOUND FAMILIAR?

THE DEBATE OVER HOW TO MANAGE OUTBREAKS HAS NOT CHANGED. HISTORY REPEATING.

## **REPRODUCTIVE RIGHTS**

IN 1973, THE SUPREMES RULED IN *ROE V. WADE* THAT WOMEN HAVE A RIGHT OF PRIVACY. AND A RIGHT TO ABORTION.

FROM 1973 - 2022 – OVER 50 YEARS - THAT FIGHT CONTINUED, AIDED VERY MUCH BY LAWYERS –

WHO AS THURGOOD MARSHALL AND HIS LEGAL TEAM DID IN THE FIGHT FOR CIVIL RIGHTS - --

MOUNTED REPRODUCTIVE RIGHTS BATTLES AT THE STATE LEVEL, SLOWLY CHIPPING AWAY AT *ROE V. WADE*.

THESE LAWYERS AND THEIR CLIENT GROUPS  
FINALLY MET SUCCESS WHEN THE SUPREME COURT  
OVERTURNED *ROE* IN THE *DOBBS* DECISION IN 2022.

REGARDLESS OF YOUR POSITION ON THIS ISSUE, WE  
CAN AGREE THAT THIS FIGHT OVER REPRODUCTIVE  
RIGHTS FOR DECADES IS A FIGHT LED VERY MUCH BY  
LAWYERS. AND IT WILL CONTINUE.

WHAT I HAVE GIVEN YOU ARE BUT A HANDFUL OF  
EXAMPLES OF HOW HISTORY REPEATS ITSELF.

ADD NATIVISM, IMMIGRATION, BOOK BANNING,  
PRAYER IN SCHOOLS.

IT FEELS ALMOST PRE-ORDAINED.

BIBLE SCHOLARS WILL KNOW THE VERSE FROM  
ECCLESIASTES 1:9 –

"WHAT HAS BEEN WILL BE AGAIN.

WHAT HAS BEEN DONE WILL BE DONE AGAIN.

THERE IS NOTHING NEW UNDER THE SUN."

AND GEORGE SANTAYANA, A SPANISH AMERICAN PHILOSOPHER, SAID IN 1922,

"ONLY THE DEAD HAVE SEEN THE END OF WAR."

HE IS ALSO FAMOUSLY REMEMBERED FOR SAYING IN 1905,

"THOSE WHO CANNOT REMEMBER THE PAST ARE CONDEMNED TO REPEAT IT, "

WHY IS HISTORY IMPORTANT TO ACKNOWLEDGE?

### **WHY IS THE PAST IMPORTANT?**

BECAUSE THE ATROCITIES AND CHALLENGES AND INEQUITIES AND ABUSES WE SEE TODAY HAVE ALL HAPPENED BEFORE.

BUT THE CYCLE CAN BE BROKEN.

AND THE PEOPLE BEST POSITIONED TO MAKE CHANGES -- - THE LAWYERS. THE SOCIAL ENGINEERS, MUST NOT BE DISCOURAGED.

YES, HISTORY REPEATS ITSELF.

WE CANNOT CHANGE THE PAST OR PREVENT HISTORICAL EVENTS FROM OCCURRING AGAIN.

BUT WE CAN INFLUENCE THE FUTURE AND BREAK THE CYCLE OF REPETITION IN THE COURSE OF HISTORY.

AND CREATE A NEW HISTORY.

HOW DO WE DO THAT AS LAWYERS?

LAWYERS CAN TAKE ON CASES THAT CHALLENGE UNFAIR PRACTICES AND SET NEW PRECEDENTS.

JUST AS THURGOOD MARSHALL DID.

JUST AS THE LAWYERS WHO ADVOCATED TIRELESSLY FOR THE RIGHT TO GAY MARRIAGE.

THAT BATTLE BEGAN IN 1972, IN *BAKER V. NELSON* AND LASTED FOR 40 YEARS.

CAN YOU IMAGINE THE NUMBERS OF LAWYERS INVOLVED IN NUMEROUS CASES BEFORE *OBERGEFELL* WAS DECIDED IN A 5-4 DECISION IN 2015?

IT WAS NOT UNTIL THEN THAT SAME SEX MARRIAGE WAS RECOGNIZED AS A CONSTITUTIONAL RIGHT UNDER BOTH THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE 14TH AMENDMENT.

AND THE STRUGGLE FOR LGBTQ PLUS RIGHTS CONTINUES IN MANY ARENAS.

JUSTICE REQUIRES AND DEMANDS OUR UNIQUE POSITION IN THE WORLD.

THESE CASES THAT I OUTLINE BEAR WITNESS TO THE IMPACT LAWYERS HAVE ON SOCIETY, OUR FUTURE AND THE ADMINISTRATION OF JUSTICE.

THE LEGAL PROFESSION OFFERS VARIOUS AVENUES FOR US TO CHANGE THE WORLD.

WE HAVE THE EXPERTISE, KNOWLEDGE, AND TRAINING TO ADVOCATE FOR CHANGES IN THE LAW,



TO DRAFT LEGISLATION AND TO WORK WITH  
VARIOUS POLICY MAKERS IN DIFFERENT  
DISCIPLINES TO SHAPE LEGISLATION.

WE CAN EMPOWER OUR COMMUNITIES BY  
EDUCATING THEM ON THEIR RIGHTS.

LAWYERS IN THE CORPORATE WORLD CAN  
INFLUENCE THEIR BUSINESSES TO BE SOCIALLY  
RESPONSIBLE CITIZENS, TO ADHERE TO  
ETHICAL BUSINESS PRACTICES AND TO COMPLY  
WITH GOVERNMENT REGULATIONS.

WE NEED LAWYERS NOW MORE THAN EVER TO  
CONTINUE TO ADVOCATE FOR CIVIL RIGHTS,

TO BE ADVOCATES FOR THE ENVIRONMENT, USING  
OUR LEGAL SKILLS AND TALENT TO ADDRESS ISSUES  
SUCH AS GLOBAL WARMING, ENVIRONMENTAL  
RACISM AND TO COMBAT POLLUTION.

WE NEED YOUR COMMITMENT TO PRO BONO WORK.

AND WHAT ABOUT SIMPLY BEING ADVOCATES FOR JUSTICE AND EQUALITY, AND SPEAKING UP AND SPEAKING OUT?

THE SCOURGE OF HISTORY CAN BE DISCOURAGING.

BUT DON'T FORGET WHY YOU CAME TO THE LAW IN THE FIRST PLACE.

YOU DID IT BECAUSE YOU ARE A DREAMER. BECAUSE YOU BELIEVE IN JUSTICE AND FAIRNESS AND POSITIVE CHANGE.

BECAUSE SIMPLY READING THE INSCRIPTION ABOVE THE UNITED STATES SUPREME COURT BUILDING –

“EQUAL JUSTICE UNDER LAW,”

MEANS SOMETHING.

AND CAN EVOKE RAW EMOTION IN SOME OF US BECAUSE WE KNOW THAT'S WHAT WE SHOULD ASPIRE TO DO AND TO BE.

WE - LAWYERS - ARE AMONG THE MOST POWERFUL AGENTS FOR SOCIAL CHANGE IN THE WORLD.

LOOK AT ALL OF THE WORLD LEADERS WHO TRAINED AS LAWYERS.

SOME MAY NOT SHARE YOUR VIEWPOINT. BUT MY POINT IS - LAWYERS BECOME WORLD LEADERS.

SOME OF THE EARLIEST LEADERS IN THESE UNITED STATES WERE LAWYERS WHO CRAFTED THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION.

MORE CONTEMPORANEOUSLY:

BARACK OBAMA, VLADIMIR PUTIN, MAHATMA GANDHI, NELSON MANDELA, FIDEL CASTRO, ALEXEI NAVALNY, KAMALA HARRIS, BILL CLINTON, HILLARY CLINTON, TONY BLAIR, XI JINPING.

KIM KARDASHIAN. JUST KIDDING.

THIS IS BY NO MEANS AN EXHAUSTIVE LIST.

BUT --- LEGAL TRAINING EQUIPS INDIVIDUALS WITH SKILLS IN CRITICAL THINKING, COMMUNICATION AND NEGOTIATION - ALL VALUABLE ASSETS TO BE A LEADER OF THE WORLD OF YOUR COMMUNITY. IN YOUR NEIGHBORHOODS.

## **CONCLUSION**

HOW CAN CHANGE HAPPEN IN A WORLD WHERE HISTORY KEEPS REPEATING ITSELF?

AND - IS THERE ANY POINT IN ATTEMPTING TO CHANGE A WORLD WHERE WE KNOW HISTORY **WILL** REPEAT ITSELF?

MEN HAVE BEEN PRESIDENT OF THESE UNITED STATES FOR ALL OF ITS 248 YEARS.

AND THAT WILL CONTINUE FOR AT LEAST THE NEXT FOUR.

HISTORY HAS INDEED REPEATED.

BUT HISTORY WAS MADE WHEN A WOMAN BORN TO IMMIGRANT PARENTS AND WITH ROOTS IN THE TWO LARGEST CASTE SYSTEMS THIS WORLD HAS KNOWN, RAN A CREDIBLE CAMPAIGN IN JUST 107 DAYS TO BECOME PRESIDENT OF THESE UNITED STATES, TO CHANGE OUR HISTORY?

BEING A LAWYER OFFERS THE POWER TO INFLUENCE, TO ADVOCATE AND CHANGE THE COURSE OF HISTORY.

I FIRMLY BELIEVE THAT.

CHANGE OFTEN STARTS SMALL AND BUILDS OVER THE COURSE OF TIME.

THE FIGHT TO END SEGREGATION WAS A LONG CAMPAIGN WAGED BY THURGOOD MARSHALL AND THE NAACP WHEN HE BECAME SPECIAL COUNSEL IN 1939.

HE SPENT **YEARS** ARGUING CASES RELATED TO SEGREGATION AND DISCRIMINATION, BUILDING A LEGAL FOUNDATION FOR EQUAL JUSTICE.

ONE OF THOSE BUILDING BLOCKS WAS *SWEATT V. PAINTER*, DECIDED BY THE COURT IN 1950 AND WHICH FOUND SEPARATE LAW SCHOOLS TO BE INHERENTLY UNEQUAL.

A BEGINNING. A CHIP IN THE OLD SYSTEM OF DOING BUSINESS.

CASES SUCH AS THESE WERE FOUNDATIONAL AND PAVED THE WAY FOR THE CIVIL RIGHTS MOVEMENT.

IT CAN BE A **VERY** LONG GAME.

WHILE DIRECTLY CHANGING THE COURSE OF HISTORY MIGHT NOT BE POSSIBLE, YOUR ACTIONS AND CONTRIBUTIONS TODAY CAN RIPPLE AND CONTRIBUTE TO A FUTURE THAT LOOKS VERY DIFFERENT.

THAT IS MORE EQUITABLE FOR ALL. \*\*\*

WHAT IS YOUR PERSONAL THEORY OF HOW YOU CAN CHANGE THE WORLD AND HISTORY?

WHAT BROUGHT YOU TO THE LAW?

EXTREME OUTRAGE AT BLATANT DISCRIMINATION  
AGAINST ME BROUGHT ME HERE.

WHAT BROUGHT YOU HERE? AND WHAT CAN **YOU**  
DO?

WE CAN ALL REFLECT ON OUR OWN ROLES IN  
PERPETUATING A CYCLE AND HISTORY THAT IS  
UNJUST.

AND MAKE CONSCIOUS EFFORTS TO MODIFY OUR  
BEHAVIOR.

WE CAN CHALLENGE HARMFUL STEREOTYPES.

WE CAN MAKE PROACTIVE CHOICES THAT ALIGN  
WITH THE FUTURES WE SEE FOR OURSELVES AND  
OUR CHILDREN.

WE CAN ADVOCATE FOR SYSTEMIC CHANGE AND BE ENGAGED AND INVOLVED.

WE CAN PURSUE CHANGE WHEN WE SEE THAT JUSTICE DEMANDS IT.

USE **YOUR** POWER.

DON'T JUST BEAR WITNESS TO WHAT OTHERS HAVE DONE.

YOU TOO, CAN CHANGE THE COURSE OF HISTORY.