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Sherman J. Bellwood Lecture Keynote Address: With Justice for All in a Changing America

Morris S. Dees Jr.

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**SHERMAN J. BELLWOOD LECTURE KEYNOTE
ADDRESS:**

**WITH JUSTICE FOR ALL IN A CHANGING
AMERICA**

MORRIS S. DEES, JR.

TUESDAY, OCTOBER 8, 2013, UNIVERSITY OF IDAHO
MOSCOW, ID

[Editor's Note: The Sherman J. Bellwood Lecture Series is the largest endowed lectureship at the University of Idaho. Sherman J. Bellwood, an Idaho native and graduate of the University of Idaho, served as a district court judge in Idaho for nearly two decades. Throughout Judge Bellwood's distinguished career, he was committed to the legal profession and to legal education. In one of Judge Bellwood's last and most generous contributions to legal education, he endowed the lecture series now named for him, for the purpose of enabling the College of Law to invite persons learned in the law to lecture on subjects of law and policy.]

The dialogue that follows was the keynote address of the 2013 Bellwood Lecture program. The Bellwood Lecture itself began with welcomes and opening remarks from Don Burnett, Interim President of the University of Idaho, and Michael Satz, Interim Dean of the University of Idaho College of Law.]

Thank you. Thank you for this great honor to come back to a place where I have so many friends and to do this lecture. Thank you all for coming.

I want to also thank those of you who support our work. Some 300,000 people around this nation make contributions to support the Law Center and its 43 lawyers and its 225 staffers that do various projects and provide schools with free Teaching Tolerance material and acceptance material in 80,000 schools in America.¹ But thank you. Many of you have come up to me, and I'm sure I'll see some of you before it is over.

As I was coming here in a car yesterday from the airport, driving through what you call the Palouse, the hills that kind of roll like this and all the wheat and stuff that I could see that has been harvested there, it took me back to the place where I grew up. I was thinking about it as I was riding. I grew up on a cotton farm in rural Alabama.

My family didn't own any land when I was young. We were tenant farmers; we rented. I had the opportunity to work in the cotton fields along beside African Americans and got a chance to learn them.

1. See generally *Who We Are*, S. POVERTY L. CTR., <http://www.splcenter.org/who-we-are> (last visited Nov. 19, 2013).

But in that little rural community, there was a small school. About fifty of us were there in a three or four room school. My dad went there, and the same teacher that taught me in the fifth and sixth grade taught my dad, taught me, and taught two of my sons. I think they closed that school to get rid of Mrs. Vera Bell Johnson.

She was a dear lady and, I guess, if I had to say that I have a mentor that guided me on the right path in life, it would be this lady. She was my Sunday school teacher at the Pike Road Baptist Church that was across the street from our school. Back then, in the 1940s and '50s, you couldn't tell Sunday school from school, because we had Bible verses in both places.

She wanted to make sure that we grew up to be good citizens, good men and women, contributing to this great nation. There were a couple of things that she felt that we should not do if we were going to be good citizens. One, she felt that we should not smoke cigarettes, and we should not drink alcoholic beverages. I did great on the first one.

I promise all of you here that had the rest of this nation had Mrs. Johnson for a teacher, there would be no tobacco litigation. There'd be no tobacco smoking. We had to say a little rhyme, and I was thinking about it as I was exercising this afternoon to come over here. We said it at least once or twice a week at school. We had to say that "tobacco is a filthy weed and from the devil it does proceed. It picks your pockets and burns your clothes and makes a smoke stack of your nose."

Now on drinking, though, she was much more serious. She had a button about this big around that she got. I know she got it in the great prohibition battle to outlaw drinking in America. I'm sure back in the time it was passed, she was leading the troops down in Montgomery County, Alabama. On this button it said, "Lips that touch wine shall not touch mine." She died an old maid.

She was going on and on one day about this temperance lesson of hers. I'm the lawyer to be. I'm 12 years old. It's 1948, and I'm listening to her. There are some inconsistencies that I'd picked up in her conversations.

I spoke up and said, "But Mrs. Johnson, you told us last week that Jesus, in one of his miracles, turned water into wine." She said, "Yes, Morris Dees, but we'd have thought a whole lot more of Jesus if he hadn't done that."

That wasn't the only lesson that she taught us. She took us out in front of that little school with the other teachers in the morning. A dirt road ran by it. It was in cotton-growing country. We stood by the flagpole to raise the flag.

I looked out across the fields in front of that school. It was September, and I didn't want to be in school. I wanted to still be picking cotton and making a little more money, but we white kids had to go to that segregated school.

As I looked across the field I could see black guys that I played with and hunted and fished with. They were out there picking cotton because blacks had to. They didn't go to school.² They had to pick the cotton until it was over. They got very little education.³

As I stood there as a young man looking out there, we raised the flag on the flagpole. We did it every day, and we pledged allegiance while we were there. I

2. See Gunnar Myrdal & Sissela Bok, 2 *Black and African-American Studies* 942 (1944) (explaining that less black children attended elementary school than white children in the 1940s, especially in the rural South).

3. See *id.*

remember putting our hands on our hearts and saying the words that stuck with me over the years, words that this dear lady repeated to us in our class, “One nation with liberty and justice for all.”

She couldn’t do much, this little lady, against the segregation and Jim Crow laws of our area,⁴ but she told us oftentimes that she felt that our colored people—that was the word used back then, the NAACP... “colored people” was the proper name to use then,⁵ and not the “N” word⁶—she told us that our colored people were not being treated fairly, and this bothered her.

I guess a little bit of that stuck with me, and I began to think along those ways, but it took another one of our citizens, a local man in Montgomery, Alabama, to make a real difference. The Reverend Dr. Martin Luther King was preaching there in a church,⁷ and Rosa Parks refused to give up her seat on the bus.⁸

He was a man that had to face many of his contemporaries, a lot of African Americans, ministers especially who had a little, I guess you might say hope, or maybe vision. Then he had to face politicians with no backbone. Finally, he had to face a terrorist with no conscience. Fifty years ago last month, Dr. King and others led one of the greatest marches in American history for justice;⁹ a march on Washington, D.C. in 1963.¹⁰

He said a lot of things in his “I Have A Dream” speech, things that have been quoted. I was looking at that speech recently and just pulled a couple of lines out.

He said, there remains “lonely island[s] of poverty in the midst of...vast ocean[s] of [opportunity in our nation].”¹¹ Fifty years since he made the speech, and fifty years since America took his words seriously, to some degree, there are millions among us who find neither opportunity nor justice.

Dr. King, when he made that “I Have A Dream” speech, was seeking some pretty specific things. The right to vote.¹² That was a specific, fundamental right that most of us in this nation took for granted.¹³ I don’t think Dr. King intended for his dream to be static. Based on how things are today, it’s a stark reminder that the march for justice continues on so many fronts.

4. See generally JERROLD M. PACKARD, *AMERICAN NIGHTMARE: THE HISTORY OF JIM CROW* 270–273 (2002) (discussing the prevalence of Jim Crow laws in the South until 1965).

5. The “CP” in NAACP stands for “colored people.” See *Our Mission*, NAT. ASSOC. FOR THE ADVANCEMENT OF COLORED PEOPLE, <http://www.naacp.org/pages/naacp-history> (last visited Nov. 19, 2013). “Colored” was the politically correct term used to refer to people of color until the late nineteenth century. Tom W. Smith, *Changing Racial Labels*, 56-4 PUB. OPINION Q. 496, 497 (1992).

6. See Michele Goodwin, *Nigger and the Construction of Citizenship*, 76 Temp. L. Rev. 129, 152 (2003).

7. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 45 (Clayborne Carson ed., 1998) (explaining that Martin Luther King, Jr. gave his first sermon in a Montgomery church in May 1954) [hereinafter *THE AUTOBIOGRAPHY*].

8. *Id.* at 50.

9. *Id.* at 218–19.

10. *Id.* at 220.

11. *Id.* at 224. (The speaker paraphrased Dr. King’s speech. The actual text from Dr. King’s speech is: “the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity”).

12. *Id.* at 225 (Dr King’s speech included this line: “We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote.”).

The issues are numerous. Immigration is a major issue today.¹⁴ How are we going to treat millions of, especially Latinos among us, who make the wheels of our commerce and industry work, but because they are powerless are treated by demagogic politicians the same way they treated African Americans in the '50s and '60s in the deep South.¹⁵

We have issues dealing with LGBT rights. Southern Poverty Law Center has a project dealing with these rights, as well as immigration.¹⁶ So many people who are in this community find themselves and their rights violated, abused, and denied equal protection of the law.¹⁷ Fortunately, things are moving positively in that area.

One of the largest problems we're having today, especially in K-12 schools, is bullying.¹⁸ We produced a film called "Bullied," and over 100,000 copies have been distributed.¹⁹ It involves all of us creating a culture in our schools that condemns those that bully others and raises up for praise those who stand up against bullying.²⁰

Then we have a number of issues dealing with education. You have good education schools in this general area, but in many places in the country, little education is going on in the public school system.²¹ Southern Poverty Law Center is involved in that issue in five separate states, dealing with the failure to provide decent, adequate education.²²

Also the issue of the schoolhouse-to-jailhouse pipeline. We have private juvenile prisons that are more interested in keeping the beds filled than rehabilitating young offenders.²³

We have issues of economic disparity in our country. In the last twenty-five years, 80% of our population, the lowest quartiles, have had a negative income if you take inflation into account.²⁴ Whereas the highest 20% of income earners have

14. See, e.g., Kristina M. Campbell, *Humanitarian Aid Is Never A Crime? The Politics of Immigration Enforcement and the Provision of Sanctuary*, 63 *Syracuse L. Rev.* 71, 117 (2012).

15. See, e.g., *Arizona's SB 1070*, AM. CIV. LIBERTIES UNION, <https://www.aclu.org/arizonas-sb-1070> (last visited Nov. 19, 2013).

16. See *What We Do*, S. POVERTY L. CENTER., <http://www.splcenter.org/what-we-do> (last visited Nov. 19, 2013).

17. See *id.*

18. See *'Bullied' Offers Lessons for Students, Educators*, S. POVERTY L. CENTER (Sept. 23, 2010), <http://www.splcenter.org/get-informed/news/splc-s-new-anti-bullying-film-and-teaching-kit-now-available-to-educators-for-onli>.

19. *Id.*

20. *Id.*

21. See *11 Facts About Education and Poverty in America*, DOSOMETHING.ORG, <http://www.dosomething.org/tipsandtools/11-facts-about-education-and-poverty-america> (last visited Nov. 9, 2013).

22. See Morris Dees & Richard Cohen, *2012 Annual Report*, S. POVERTY L. CENTER (2012), http://www.splcenter.org/sites/default/files/downloads/resource/splc_annual_report_2012_web.pdf ("We stood up for vulnerable children in public schools, detention centers and mental health facilities throughout the South.").

23. See *Children at Risk*, S. POVERTY L. CENTER, <http://www.splcenter.org/what-we-do/children-at-risk> (last visited Nov. 19, 2013).

24. See generally Rhonda Campbell, *Negative Effects of Inflation on Low-Income People*, THE NEST, <http://budgeting.thenest.com/negative-effects-inflation-lowincome-people-23909.html> (last visited Nov. 19, 2013).

had multiple increases, 400%, 500%, 600% increases.²⁵ People don't have the ability to have a good living.

I could go on and on with the issues that face us today that are part of this March for Justice. One particularly important issue deals with health care. We're seeing our nation brought to its knees in a gridlock, because a small group of people do not want to implement Obama's healthcare program.

The question is whether we extend the debt limit and vote on a budget.²⁶ That's the only question. But it's being held hostage by a small group of people who said, "We're not going to vote on this budget. We're not going to allow the country to continue unless you defund what they call Obamacare."²⁷ It's being held hostage by a very narrow group of people who are concerned and afraid because of the changing nature of our nation.²⁸ They say Obama won't negotiate.²⁹

There's nothing to negotiate. The bill has been passed.³⁰ It's been upheld by the courts.³¹ It's a matter of simply voting on the good faith and credit of our nation. These people that are holding this up, I would like to hope not, but I think they're people who don't like the fact that millions of Americans who are not like them, who have different values than them, are going to get some of the goods and services of this nation. This really disturbs them.

This fear of a changing America has been felt in many ways. When I was standing at that flagpole in 1948 in front of that little school, about 12% of the people in this nation were people of color.³² Today the number is 36%.³³ By the year 2040, people of color will be the majority in our country.³⁴

25. See generally Emily Deruy, *In the U.S., the Rich are Getting Richer While the Poor Get Poorer*, FUSION (June 13, 2013, 1:31 PM), http://fusion.net/american_dream/story/us-rich-richer-poorer-11703.

26. See generally Catalina Camina, *5 things to know about government shutdown today*, USA TODAY, Oct. 14, 2013, 9:39 AM, <http://www.usatoday.com/story/news/politics/2013/10/14/government-shutdown-five-things-day-14/2977661/> (discussing political leaders' negotiations on raising the nation's debt ceiling).

27. See generally *Q&A: The U.S. Government Shutdown Explained*, ABC NEWS (Oct. 17, 2013, 2:14 PM), <http://www.abc.net.au/news/2013-10-02/us-government-shutdown-explained/4993530> (explaining how the members of Congress who opposed Obamacare refused to pass a budget unless Obamacare was repealed, which resulted in the government shutdown of 2013).

28. See *id.*

29. Stephen Dinan, *No go: Boehner says Obama still won't negotiate*, THE WASHINGTON TIMES, Oct. 2, 2013, <http://www.washingtontimes.com/news/2013/oct/2/boehner-says-obama-still-wont-negotiate-government/>.

30. Patient Protection and Affordable Care Act, P.L. No. 111-1148, 124 Stat 119 (codified at 42 U.S.C. § 18001 et. seq).

31. Nat'l Fed'n of Indep. Bus. v. Sebelius, 132 S. Ct. 2566, 2573 (2012) (upholding the constitutionality of the Affordable Care Act).

32. Campbell Gibson & Kay Jung, *Table 1. United States - Race and Hispanic Origin: 1790 to 1990*, U.S. CENSUS BUREAU (Sept. 2002), <http://www.census.gov/population/www/documentation/twps0056/tab01.pdf> (percentages based on persons who self-identify as white).

33. See Karen R. Humes, Nicholas A. Jones, & Roberto R. Ramirez, *Overview of Race and Hispanic Origin: 2010*, U.S. CENSUS BUREAU (Mar. 2011), www.census.gov/prod/cen2010/briefs/c2010br-02.pdf.

34. Hope Yen, *Census: White Majority in U.S. Gone by 2043*, NBC NEWS (June 13, 2013, 7:11 AM), http://usnews.nbcnews.com/_news/2013/06/13/18934111-census-white-majority-in-us-gone-by-2043.

The election of Obama for two terms shows that this coalition of people is coming together.³⁵ As I said, this really frightens our people. It's so clear that it's going to happen, because last year, in 2012, more babies of color were born than people like myself, white people, in the United States.³⁶

You project that further, and we'll see what's going to happen. This really frightens a large section of our population. We've seen an enormous rise in hate groups.³⁷ The group that we came to Coeur d'Alene to put out of business, Aryan Nation, and some of these other big groups, those are not the kind of groups that are here today.

There are other kinds of groups spewing hate on the Internet, 600 or 800 websites, because they're afraid that the America that they believe is theirs is slipping away.³⁸ Also, a lot of that the material the Aryan Nations up in Coeur d'Alene printed and distributed around the country can be found on the Internet.³⁹

You can find it on mainstream media. There are several media outlets that mouth the same kinds of material.⁴⁰ In Congress we're finding some of that mean spiritedness that would make the leaders of these groups that we put out of business proud.⁴¹

I did not understand anything about diversity, and its effect on our nation when I was young. I did not understand until I had an opportunity to represent a group of immigrants. When I grew up in the small cotton farming community, it was just the black people that worked in the fields.

Fortunately, I got to work along beside them. It was the white folks that owned the property that my dad rented from. I didn't think about diversity. I just thought it was the way of life. These groups of immigrants I had the opportunity to represent changed my life forever in terms of my viewpoint.

35. See *U.S. Elections: How Groups Voted in 2008*, ROPER CENTER, http://www.ropercenter.uconn.edu/elections/how_groups_voted/voted_08.html (last visited Nov. 19, 2013) (showing minority voter overwhelmingly voting for Barack Obama in the 2008 presidential election); *U.S. Elections: How Groups Voted in 2012*, ROPER CENTER, http://www.ropercenter.uconn.edu/elections/how_groups_voted/voted_12.html (last visited Nov. 19, 2013) (showing that a similar number of minority voters voted for Barack Obama in 2012).

36. Stephanie Siek & Joe Sterling, *Census: Fewer White Babies Being Born*, CNN (May 17, 2012, 12:01 AM), <http://inamerica.blogs.cnn.com/2012/05/17/census-2011-data-confirm-trend-of-population-diversity/>.

37. Kim Severson, *Number of U.S. Hate Groups Is Rising, Report Says*, N.Y. TIMES, Mar. 7, 2012, <http://www.nytimes.com/2012/03/08/us/number-of-us-hate-groups-on-the-rise-report-says.html>.

38. See *id.*

39. E.g., *Extremism in America: Aryan Nations/Church of Jesus Christ Christian*, ANTI-DEFAMATION LEAGUE, http://archive.adl.org/learn/ext_us/Aryan_Nations.asp (last visited Nov. 19, 2013).

40. MORRIS DEES WITH JAMES CORCORAN, *GATHERING STORM: AMERICA'S MILITIA THREAT 5* (1st ed. 1996) [hereinafter *GATHERING STORM*]; see also *Race Issues and the Media*, CNN, (Aug. 25, 2013, 2:00 PM), <http://reliablesources.blogs.cnn.com/2013/08/25/race-issues-and-the-media/> (discussing the media's attempts to cover racial issues fairly); Dawn Turner Trice, *Welfare Issue Makes Political Comeback*, CHICAGO TRIBUNE, Jan. 22, 2012, http://articles.chicagotribune.com/2012-01-22/news/ct-met-trice-welfare-20120122_1_food-stamp-welfare-issue-cash-assistance (stating that the Republican presidential race has "resurrected stereotypical images of the black 'welfare mother'" who lives off government checks).

41. *GATHERING STORM*, *supra* note 40, at 5; see also *Black Congressmen Discuss Their Daily Struggle with Discrimination in America*, HUFFINGTON POST (July 23, 2013, 5:13 PM), http://www.huffingtonpost.com/2013/07/24/black-congressmen-discrimination_n_3641493.html.

After the Vietnam War approximately 500,000 Vietnamese were brought to this country.⁴² They had fought on our side, and if they stayed behind they would have been disadvantaged, possibly jailed, and some executed.⁴³

These Vietnamese were settled all over America by various relief services.⁴⁴ About 50,000 were settled in the Galveston Bay, Texas area.⁴⁵ When these people got here, literally coming with the clothes on their backs, they went to work, like so many immigrants who have come to this country.⁴⁶

They took over all kinds of businesses quickly; flower shops, fruit stands, restaurants, auto mechanic businesses, a whole lot of businesses.⁴⁷ They did really well and became very successful in a short time.⁴⁸

A small group of these Vietnamese decided they wanted to go into the shrimping or fishing business.⁴⁹ They didn't have the \$200,000 to \$300,000 to buy the expensive trawlers that about 400 American fishermen had plying those waters for shrimp, fish, oysters, and other things.⁵⁰ They bought old, broken down boats; the boats that had been abandoned in shallow harbors.⁵¹

They bought them for \$3,000, \$4,000, \$5,000.⁵² People laughed at them when they sold them these old boats that they thought were never going to go out in the sea.⁵³ These people worked on these boats.⁵⁴ They fixed up the motors, got the nets repaired, got the motors working, and they went out to fish.⁵⁵

They got up early, and they stayed out late.⁵⁶ They worked hard.⁵⁷ It wasn't long before they were out-fishing the American fishermen, catching more fish, more shrimp, and more oysters.⁵⁸

There's no other way to put it, but the American fishermen became jealous.⁵⁹ They decided that they wanted to use some political power to take away these immigrants' rights to get fishing licenses.⁶⁰ So they went to the Texas legislature and said, "These are American waters. These fish belong to us. Do not allow these people, these immigrants, to have fishing licenses."⁶¹

42. Marc Povell, *The History of Vietnamese Immigration*, AM. IMMIGR. L. FOUND. (June 2, 2005), http://www.aifl.org/awards/benefit2005/vietnamese_essay.shtml.

43. See Andrew Chin, *The KKK and Vietnamese Fisherman*, U. OF N.C. SCH. OF L., <http://www.unclaw.com/chin/scholarship/fishermen.htm> (last visited Nov. 19, 2013).

44. *Id.*

45. DEES ET AL., *supra* note 2, at 14–15 (asserting that "fifty thousand Indochinese" settled in "towns along the Gulf of Mexico").

46. *Id.* at 15–16.

47. See Chung Hoan Chuong & Minh Hoa Ta, *Vietnamese Americans*, ASIAN-NATION, <http://www.asian-nation.org/vietnamese.shtml> (last visited Nov. 19, 2013).

48. See *id.*

49. DEES ET AL., *supra* note 2, at 15.

50. See generally *id.* at 15–16.

51. *Id.* at 16.

52. See generally *id.*

53. See generally *id.*

54. *Id.*

55. MORRIS DEES & STEVE FIFFER, *A SEASON FOR JUSTICE* 15–16 (1991).

56. See *id.* at 16, 48.

57. *Id.* at 16.

58. See *id.* at 15.

59. *Id.* at 15–16.

60. *Id.* at 16–17.

61. DEES & FIFFER, *supra* note 55, at 16–17.

The Texas legislature in its wisdom said, “We can’t do that. This is a free enterprise country. These are our friends.”⁶² That didn’t sit well with a small group of these American fishermen, so they turned to the world’s oldest continuing terrorist group, the Ku Klux Klan, formed back in the 1860’s.⁶³

That group they turned to was the Texas Knights of the Ku Klux Klan.⁶⁴ That group, working with some American fisherman, set about to terrorize these Vietnamese, and to make them afraid to go out to fish on the opening day of shrimping season.⁶⁵

The Vietnamese were afraid, because they remembered the Khmer Rouge.⁶⁶ They thought these Klansmen were America’s terrorist group, and they were very afraid.⁶⁷ Their reaction was to put all their boats up for sale.⁶⁸ We called a lawyer down there who represented them in real estate work. We asked, “Can we help?”

I go down, and I remember so well that spring morning. I was walking down the docks in Kemah, Texas, where Clear Creek Channel comes out into the bay, where the boats would into the bay. I saw those little boats there, just rocking in the waves. You’ve seen these little boats with glass wheelhouses. “For sale” signs, the signs like you’d buy in a hardware store, in the window of each boat tied up at these docks.

Nguyen Van Nam, the leader of the Vietnamese fisherman group was with me. We had done a little investigation. I said, “Mr. Nam, we have an opportunity to help you in Federal Court. We can file a lawsuit to get the court to issue an injunction. That’s something to enjoin the people who are threatening and attacking you. If they violate the injunction, they’ll go to prison for criminal contempt of court.”

He seemed reluctant, but he got his members together and agreed to the lawsuit. We began to work quickly, because shrimping season was two weeks away. We had to get a quick preliminary hearing. The judge gave us all kinds of expedited discovery.⁶⁹

We found some American fishermen that didn’t like what they had seen, either.⁷⁰ They had become friends with these people. They had been in their homes. They knew they were hardworking, diligent people. They gave us great evidence.⁷¹

One of them told me that the Klan and some American fishermen leaders came to them and said, “We’ll burn your fishing dock if you let these Vietnamese dock their boats there.”⁷² The very testimony we needed in our Federal Court case.

62. *Id.*

63. *Id.* at 17.

64. *Id.*

65. *Id.* at 18–19.

66. See Henri Locard, *State Violence in Democratic Kampuchea (1975–1979) and Retribution (1979–2004)*, 12 EUR. REV. OF HIST. 121, 121 (2005), <http://www.paulbogdanor.com/left/cambodia/locard.pdf>.

67. DEES & FIFFER, *supra* note 55, at 18.

68. GATHERING STORM, *supra* note 40, at 37.

69. Vietnamese Fishermen’s Ass’n v. Knights of Ku Klux Klan, 543 F. Supp. 198, 203 (S.D. Tex. 1982).

70. See GATHERING STORM, *supra* note 40, at 36.

71. See *id.* at 38.

72. See *id.* (Presenting a narrative account of the events found in the cited work).

I was getting ready to go to court on Monday. Shrimping season was one week away, when I get a call in my motel room on Sunday afternoon from Nguyen Van Nam saying, “Mr. Dees, you must drop the lawsuit.”⁷³

I said, “No, Nam. We can’t drop this lawsuit. We can win this case.” He said, “No, we’ve been told by the leaders of the other businesses in the Houston area, ‘Let the Klan have the fishing, we’re worried about our other businesses. You’ve got to drop the case.’”

I said, “If I have to drop it, I have to tell the court in the morning I don’t have a client. Before I do that, do you think you could give me an opportunity to talk with the leaders of the Vietnamese community in Houston and these fishermen and their families?”⁷⁴

He worked quickly and pulled a group together.⁷⁵ About 8:00 that night I was in a small Catholic church, with a priest there to interpret. The room was filled with Vietnamese people, sitting very humbly and listening. Many wearing literally the clothes they wore to this country.

I said, “You know folks, America is a nation of laws; laws that protect the minority against the majority when the majority is breaking the law. Don’t quit. Don’t stop. If you cut and run now, they’ll come after all of your businesses. You’ll show a sign that they want—to see that you’re afraid.”

I said, “I know you’re afraid. Let me tell you about a man I know that you probably don’t know. His name was Dr. Martin Luther King. He was a Baptist minister in Alabama.⁷⁶ He led his people in a great crusade for justice and the right to vote,⁷⁷ rights that we all took for granted.

When he was doing this, their churches were bombed.⁷⁸ His people were shot and killed.⁷⁹ But he persevered. His people persevered. Had they not used our justice system and our courts, they wouldn’t have gotten their rights as soon as they did. Don’t drop your lawsuit.”

I left there, and I’m sure there was a lot of discussion and dissension about what to do. I got a call around 11:00 to 12:00 at night from Nam saying, “Continue the lawsuit.” We put on a good case for a whole week. The judge issued a very powerful injunction.⁸⁰ You law students can read about it, “Vietnamese Fisherman versus Knights of the Ku Klux Klan.”⁸¹

The Vietnamese were very happy. The judge enjoined the KKK from interfering with the Vietnamese fishermen’s right to fish.⁸² I was invited down to the bless-

73. *See id.* at 37. (Presenting a narrative account of the events found in the cited work).

74. *See id.* (Presenting a narrative account of the events found in the cited work).

75. *See id.*

76. THE AUTOBIOGRAPHY, *supra* note 7, 47–48.

77. *Id.*

78. *Id.* at 65.

79. *Civil Rights Martyrs*, S. POVERTY L. CENTER, <http://www.splcenter.org/civil-rights-memorial/civil-rights-martyrs> (last visited Nov. 19, 2013).

80. *Vietnamese Fishermen’s Ass’n v. Knights of Ku Klux Klan*, 518 F. Supp. 993, 1016 (S.D. Tex. 1981) (holding that the threatened injury to the plaintiff class outweighed the threatened harm that the injunction would have caused the defendants, and that granting the injunction did not disserve public interest).

81. *See generally id.*

82. *Id.* at 1016.

ing of the fleet. It was a custom in their country to bless the fleet before they went out into the open waters and the dangers that they might face.⁸³

I got down to the dock at Kemah, Texas, where Clear Creek Channel comes out. I got there about 5:00 in the morning, and I was standing there in the fog. The sun hadn't come out. On the dock there were 50 or 100, or so, family members waiting for the boats to come out.

There was a priest there to bless the boats. After about half an hour, the sun still hadn't come out, the fog was hanging heavy on the bay. We heard a diesel engine, and a boat popped out through the fog and came by the reviewing stand. The priest blessed that boat and another and another, until 15 or 20 boats had gone out into the open waters.

As I stood there that morning and the sun began to burn through the fog, I could see the sun glistening off the badges of the United States Marshals sent there to protect these American immigrants. As I looked at those officers, I thought about the majesty of our justice system at work.

As I looked into the faces of these immigrants, I saw pride. Pride as they took a place at America's table. Not just finding a place at America's table, but building that table, so to speak, to make this nation great like other immigrants who've come into this country time and time again in the past and made this nation a great nation.

I not only felt proud to be a lawyer for these people, I felt proud to be an American. For the first time, I understood that our nation is great because of our diversity and not in spite of it.

As I think about what's going on in our country today, I remember so well when I filed my first tax return. I was sixteen and there were fifteen people paying into the Social Security system for my retirement.⁸⁴ Today it's less than three.⁸⁵ People like myself have a negative birth rate in this country.⁸⁶

Unless we have immigrants, like we've had over the years when my people came here from Ireland and Scotland, America will be in serious economic trouble.⁸⁷ These immigrants were roundly condemned, but they made this country move forward.⁸⁸ They were lynched in Boston for stealing American jobs.⁸⁹ There were signs that said, "No Irish-Catholics should apply for a job here."⁹⁰ You know the history.

If I had been standing at a podium like this in 1864 or '65 in Boston, and I had said that one of the people from my country is going to be elected President of

83. See GATHERING STORM, *supra* note 40, at 38.

84. *Frequently Asked Questions: Ratio of Covered Workers to Beneficiaries*, SOCIAL SECURITY ONLINE, <http://www.ssa.gov/history/ratios.html> (last visited Nov. 19, 2013).

85. *Id.*

86. Sam Roberts, *Census Benchmark for White America: More Deaths Than Births*, N.Y. TIMES, June 13, 2013, http://www.nytimes.com/2013/06/13/us/census-benchmark-for-white-americans-more-deaths-than-births.html?_r=0.

87. See Natalya Shatniy, Comment, *Economic Effects of Immigration: Avoiding Past Mistakes and Preparing for the Future*, 14 SCHOLAR 869, 874-75 (2012).

88. *Id.*

89. See generally *Background on Discrimination Against Immigrants*, DOSOMETHING.ORG, <http://www.dosomething.org/tipsandtools/background-discrimination-against-immigrants> (last visited Nov. 19, 2013).

90. See generally Richard Jensen, "No Irish Need Apply": A Myth of Victimization, 36 J. SOC. HIST. 405 (2002), <http://tigger.uic.edu/~rjensen/no-irish.htm>.

the United States in the next hundred years, I would have been booed out of the room. I feel sure that there's going to be a Latino president and woman president before the end of this century.

I feel very positive that our country is in great hands with those people in our nation, whose ways may be different, whose values may be different than ours, but they have immigrant energy that's made this nation great.

I grew up in a segregated South. I believed in segregation, clearly, when I left the cotton farm at eighteen years old for college. That was just a way of life. You didn't think any different. It didn't make me treat African Americans any different. But I began to change my views and my ways when I got to college. My progression was gradual.

I remember, though, and I felt confident that our nation would be in good hands, and we would do well. But Dr. Martin Luther King, I'm not sure he felt that way. Why should he? Why should he feel that America would continue as a prosperous democracy? We were treating millions of our people less than second class.⁹¹

Animals had more rights in Alabama than African Americans, more protection in Mississippi, in Georgia.⁹² And the rest of this nation wasn't so kind, either.⁹³ Boston had violence dealing with school integration.⁹⁴ All of our nation was involved in either overt or covert discrimination.⁹⁵

Dr. King saw this and he was worried.⁹⁶ He told a story, I guess he told it as a warning. A story about another nation, a nation that started with great promise, but a nation that lost its way and a nation that no longer existed.

Dr. King told the story of the children of Israel, who after being released as slaves and after traveling so long through the desert and through the wilderness.⁹⁷ You know the story that's told in the Old Testament. Dr. King told this story.⁹⁸

These people crossed the Jordan River into their promised land.⁹⁹ They built a great city, called a city-state back then.¹⁰⁰ Nobody knows where this city really was, but it was somewhere near the site of Jerusalem.¹⁰¹

They built high walls, and they had big gates to protect this city.¹⁰² Inside of those walls people prospered.¹⁰³ They had a banking system, a school system, a

91. Damon J. Keith, *What Happens to a Dream Deferred: An Assessment of Civil Rights Law Twenty Years After the 1963 March on Washington*, 19 HARV. C.R.-C.L.L. REV. 469, 469-70 (1984).

92. See PACKARD, *supra* note 4, at 123-127 (2002) (discussing the plight of African Americans during the early twentieth century).

93. *Id.*

94. Dennis Ford Eagan, *The Past, Present, and Future of School Desegregation Law in Massachusetts*, 34 SUFFOLK U. L. REV. 541, 554 (2001).

95. See R. A. LAWSON, JIM CROW'S COUNTERCULTURE 110 (2010) (asserting that by the 1920's, the northern United States had become a place of "widespread discrimination").

96. See THE AUTOBIOGRAPHY, *supra* note 7, at 47-48 (discussing Dr. King's concern with racial issues in and around the 1950's).

97. 3 MARTIN LUTHER KING, JR., *Service of Prayer and Thanksgiving*, in THE PAPERS OF MARTIN LUTHER KING, JR. 257, 259 (Clayborne Carson et al. eds., 1992) [hereinafter *Service of Prayer*].

98. *Service of Prayer*, *supra* note 97.

99. *Joshua* 3:17 (King James).

100. See *Amos* 4:6-7 (King James) (explaining that the people of Israel were experiencing good fortune in their newly established city).

101. See *Amos* 1:1 (explaining that Amos was from a small town called Tekoa, which is a few miles outside of Jerusalem).

court system, and law enforcement. In the middle of this town they had a great market place where people brought their products in from far and wide to sell.

There was a farmer from a neighboring town outside the village.¹⁰⁴ He always arrived at those gates before daylight, with his wagon laden with goods, so he'd get a good stall in the marketplace.¹⁰⁵ While he was waiting for those gates to open, he saw things that bothered him.¹⁰⁶ He saw able-bodied men and women reaching out, begging for a few grains from his wagon.¹⁰⁷

Upon inquiry, he learned that if you weren't part of the group in this town that controlled things, you didn't get a good job to feed your family.¹⁰⁸ When this farmer got in the marketplace and he put his goods out for sale, he heard grumbling from the people walking by his stall.

He overheard them saying, "Unless you're with the in-group here, the people that control this town, sometimes you get arrested for things they don't get arrested for."¹⁰⁹ When you go to court, they get better treatment than you do."¹¹⁰ This bothered this farmer, because he knew the trials and tribulations of these ex slaves. He knew the promise that they had hoped to uphold in building this great city.

He asked for an opportunity to speak to the leaders of this town: the town council.¹¹¹ He was a man of some reputation and means where he came from, and they took him seriously, and so they gave him that opportunity.¹¹² I think most of you know by now who this farmer was. He was the Biblical prophet Amos.¹¹³

Amos stood there. This farmer, this prophet stood before the elected leaders of this town, and he said, "You know, folks, you all have a good thing going here, but unless you're fair to all the people, unless you give all your people a fair and equal opportunity, what you have now will be taken away from you."¹¹⁴ You won't be able to pass it down to future generations."¹¹⁵

Amos spoke to them, and Dr. King picked those words up, and Amos said to these people, "Folks, don't be satisfied until 'justice rolls down like waters, and righteousness like a mighty stream.'"¹¹⁶

That's the challenge we have today. It's a simple thing called justice. I challenge you to look out across this nation, in its halls of justice, in its courts, in its

102. *See generally* 2 Kings 13:12 (New International Version) (prophesizing an increase in Israel's power).

103. *See id.*

104. *See Amos* 1:1; 7:14-15 (New International Version).

105. *See generally Amos* 1:1 (New International Version).

106. *See Amos* 3:10-15 (New International Version) (illustrating the Israelites lack of standards of conduct).

107. *See generally Amos* 2:6-7 (New International Version).

108. *See generally id.*

109. This is the speaker's paraphrased quote. *See Amos* 2:6-7 (New International Version) that stated, "[The Israeli people] trample on the heads of the poor as upon the dust of the ground and deny justice to the oppressed." *Id.*

110. *Id.*

111. *See generally Amos* 7:10-13 (explaining that Amos prophesized to the Israelites).

112. *See generally id.*

113. *See generally Amos* (New International Version).

114. *See generally Amos* 2:13-16 (New International Version) (speaking about the consequences of the Israelites conduct).

115. *See id.*

116. *Amos* 5:24 (New International Version).

legislature, in its bodies in Congress, to see if all of our citizens are receiving justice.

Dr. King made a great speech. A speech where he expressed enormous hope for us—his “I Have A Dream” speech.¹¹⁷ It bears reading from time to time. He said, “I have a dream that one day in the red clay hills of Georgia, that the sons of former slaves and the sons of former slave owners will sit down around the table of brotherhood.”¹¹⁸ A lot has happened since Dr. King left us.

We have taken three steps forward and two steps back on the issues of change, but I think that if Dr. King were here today, he would be a leader in this fight for justice, this march for justice. If he were making that same speech today, I think he’d still have faith in us.

If I might be so bold as to put words in this great American’s mouth, he might say, “I have a dream that one day in the red clay hills of Georgia,” and today he might add, “in the boroughs, in the ghettos, on the reservations, and in the seats of economic and political power, that the sons and daughters of former slaves, and the sons and daughters of former slave owners....”

Today he might add, “the poor, the powerless, the hungry, and those that maybe lack healthcare and other benefits. 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.”

Human rights begin close to home. Human rights begin right here in this town, in this community, on this campus, in this state, in this region. It is in these places that people look for fair and equal treatment.

Unless people can find justice and fairness in these places, then we as a nation will look in vain for progress in a larger world. I know that those of you here today, especially the young people, will take up this challenge of Dr. King and Amos. I feel that we’re going to be successful.

One day somebody is going to write a story about your times. I won’t be here, and a lot of others won’t be here, either. But I predict that that is going to be a story about America’s greatest generation. Thank you.

Thank you so much. In the introduction of things that were said about me, let me say that I did very few of them all by myself. We have an enormous cadre of lawyers that helped us. In the case in Idaho, we had Norm Gissel and Ken Howard, and a good jury and family members. Tony Stewart with Kootenai County Human Rights Council, Marshall Mend and others that made it possible.

All over this nation, when we go into communities, we have the support of good people, so I want to thank you. Stand up for a second. I want people to see you.

117. THE AUTOBIOGRAPHY, *supra* note 7.

118. *Id.* (The speaker paraphrased Dr. King’s speech. The actual text from Dr. King’s speech is: “I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.”).