

Southern Oregon Federal Bar Association Newsletter, "To Be Free,"

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In Victor Hugo's novel *Les Miserables*, first published in 1862, a young student named Marius discovers that his father had been a war hero who had saved the life of Napoleon Buonaparte at the battle of Waterloo. This knowledge had been kept from him by his grandfather, who had intense political differences with Marius' father. Upon learning of his father's heroic act, Marius became a devout disciple of all that Napoleon had thought, done, and believed.

One evening, in discussion with other student idealists, Marius began proclaiming the virtues of Napoleon: Who could have been greater? Who had done more for his country?

"He had everything. He was complete. He made codes like Justinian, he ruled like Caesar...his bulletins are Iliads, he joined the figures of Newton with the metaphors of Mohammad...he was legal with the attorneys and heavenly with the astronomers...he saw everything, he knew everything [and to follow Napoleon was] laying your hand on the hilt of God's sword."

"What could possibly be greater?" ended Marius.

"To be free," said Combeferre, one of his companions. These three words, "to be free," profoundly affected Marius, who gradually accepted the truth that to be free is greater than the splendor of armies or the conquering of nations.

Armies may install tyrants or remove kings and in other ways create opportunities of liberty or bondage, but once the fertile political soil has been plowed, the priceless seed of freedom can only grow in a field nourished and cultivated by the fair and impartial rule of law.

Too often in the practice of law we descend - sometimes by default, other times by choice - to merely making a living while incidentally serving our clients. But our calling rises to something of the noble when we grasp the larger picture and realize that we play a central role in helping people "to be free." Prosecutors and those attorneys who defend criminal cases both play a critical - though opposite - role in keeping the law in balance so that the public at large can be saved on one hand from the overextension of government authority, and on the other from the malignant tumor of criminal corruption.

The attorney who defends the multi-state corporation in its manufacture of products, and the attorney who handles the case for the victim when the product harms, both serve an important though opposite role in the greatest economy the world has ever known. In the same way, the attorney who sits in her office drafting a will or planning an estate plays an important role in helping people to be free as

do the cloistered attorneys who sit in cubicle offices advising senators and congressmen regarding the constitutionality of proposed or challenged legislation.

A friend recently said - with some admiration - "lawyers rule the world." But he was wrong. A truly free world is ruled by fair laws impartially and equitably applied to rich and poor, black and white, debtor and creditor, agnostic and believer. But to the extent that lawyers honorably aid in creating, using, challenging or defending those laws, they bring by opposite efforts a great balance to the whole.

The fresh breezes of a higher vision of what we do gives renewed vigor and satisfaction to our work. The story is told of two construction workers who were asked what they were doing. The first said he was pounding nails. The other said he was building a temple. Though we will all have our share of nails to pound, if we are ethical and professional and do not lose our vision, we can, like the second builder, proclaim that we too are building a temple.