

# My Country Tis...



Bruce W. Neckers

Henry David Thoreau, a man with an eye for the very big picture, advised that one could stop reading the newspaper for months and discover upon picking it up again that everything that matters is just the same. Thoreau made a very wise observation that occasionally happens to be entirely wrong.

The Declaration of Independence  
 Fort Sumpter and the Emancipation  
 Proclamation  
 Sarajevo in 1914  
 The stock market crash in '29  
 Pearl Harbor and Hiroshima  
 Brown v Board of Education  
 Sputnik  
 The Berlin Wall goes up;  
 The Berlin Wall comes down  
 The Kennedy and King assassinations  
 Man on the moon

Some events rivet the attention of a nation or the entire world. They reveal, cause, or necessitate a monumental shift in sensi-

bility. *September 11, 2001.* We cannot begin to know what it will portend. Our individual reflections and collective awareness have deepened every long day since. We are now at war against those we hold responsible—a war that has no historical map.

In these rare and defining times, we are daily maturing and reaffirming our national identity. As you read my words when they are published 30 days hence, we will no doubt understand things differently.

The September 11 attacks were intended to strike at our way of life. The terrorists may have succeeded in their physical goal, but missed in carrying out their purpose. By attacking our way of life, they reaffirmed or awakened whole generations to the value of this place we call the United States of America. In the end, the terrorists fail if we appreciate more deeply and wisely what we have, and act accordingly.

My message is different today than it would have been on September 10; yet, it resonates the same: We are indeed a privileged profession in the most fortunate of countries in the world.

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*Judges and courts have a constitutional obligation to stand between people in this country and the Executive Branch as it exercises its police powers.*

My favorite chapter of any book is the final chapter of Frank McCourt's bestseller, *Angela's Ashes*. It says simply, "Tis" (also the title of his second book). McCourt was born in New York City but returned with his parents to their Irish homeland upon his father's

exaggerated, and soon proven untrue, promises of renewed opportunities in the land of his father's birth. At 18, McCourt took the risk, found a way to book passage back to the United States and later embarked upon a successful career as a teacher and a writer.

Upon his arrival in the United States, someone asked, "Isn't this a great country altogether?" McCourt responded, "Tis."

McCourt was a U.S. citizen by birth, a resident by choice. Like many immigrants, he seized the opportunity to become a productive and successful citizen.

I have been giving a great deal of thought to the sacrifices made by those who gave *me* this country—and now again those who preserve and protect it. I never knew my great grandparents, Albert Neckers, Sr. and Johanna Warnshuis Neckers. My great grandmother was born in the U.S. of immigrant parents. Albert Neckers, Sr., left Winterswyk, the Netherlands, in 1855, came to the United States and never returned to his homeland. There is no real exciting story here. Albert and his two brothers came to seek economic opportunity. They did not come to escape religious or ethnic persecution. They did not come on a slave boat. They came, as did thousands of other immigrants, simply believing that they could find a level of prosperity not available in their native land.

The sacrifices made by Albert began when he arrived at New York City and started his trek by steamer up the Erie Canal to Buffalo and finally to the town of Clymer in Chautauqua County. Until my brothers and I left, three generations later, my family lived and worked in that town of 475.

Times were extremely tough for my great-grandparents and others of their generation. They were persons of faith—building the church, where my grandfather was also the sexton (at \$7.25 a year), before almost anything else. The land of Western New York is not kind. It is a short distance from the shores of Lake Erie. Winters are long and hard. Snow falls abundantly. In 1855, the land was covered by trees needing to be cleared by hand, exposing the ubiquitous rocky and unproductive soil used to produce food for the immigrants and their livestock. Houses were constructed using only hand labor.

My great-grandparents never found the economic prosperity they sought in this country. They and their eight children described incredible tales of frigid, unforgiving winters and painful hunger. They were hardworking and loving. Unlike McCourt's family, there was no drunken father or other family misbehavior. They lived in a time and a place where life depended on heavy physical labor for both men and women. Why trouble you with this simple, unexceptional family history? I tell it precisely because it is a common story, and because, like McCourt, I believe this "tis" a great country. This country is my great-grandparents' legacy and I am deeply appreciative. Like many immigrants, their struggles may not have borne the fruit they intended during their lifetimes, but can be seen clearly in the prosperity of subsequent generations, including mine.

I do not come to my great appreciation for this country with a Pollyanna attitude. For those raised in the '40s and '50s, patriotism was expected. As a Boy Scout I marched in Memorial Day parades honoring the World War I and World War II generations for their sacrifices made to protect this country and help other nations preserve their freedoms. By the end of my college career in the '60s, I was protesting against the war in Vietnam, something which others at that time believed to be unpatriotic.

For me, and many in my generation, our understanding of government and other institutions was molded in the '50s, but tested and, in many instances *broken*, in the 1960s. Only in recent years have I been able to confront my own suspicion and cynicism toward our government as a result of the rhetoric used to justify the continued loss of American lives in Vietnam.

Just as our lives would have been immeasurably different had Hitler not been defeated, our institutions—and our faith in those institutions—were unalterably changed by the war in Vietnam.

The men and women who fought in Vietnam returned to an indifferent and outright hostile populace. A dramatic percentage of my generation grew up disrespecting and distrusting government. We can only hope that Dan Rather was right when he said that September 11 erased the cynicism that remained from Vietnam. It is far too early to tell. The impact of September 11 on this great country is many years from any certain conclusion.

We need to ask serious questions: How could others hate us so much? What is it about our culture, democracy, values and behavior that lead to such intense anger? Can it be explained away as jealousy, religious fanaticism or historic ethnic disputes? I think that it is a complex interweaving of those and more.

The answers will not come easily. We understand that traditional military force will not provide final resolution. We live with fear not previously known to most of us. Punishment of those who share the terrorists' ethnicity or religious background is misguided and simplistic; restriction or suspension of civil rights will not solve the problem.

Because of legitimate fear from terrorists, open public trials, the freedom from unreasonable searches and seizures, and the important role of the judiciary are now subject to renewed questioning.

Judges and courts have a constitutional obligation to stand between people in this country and the Executive Branch as it exercises its police powers.

As President Bush said, "Freedom and fear are now at war." A casualty of that war must not be the constitutional freedoms that made us great in the first place.

If we succumb as a civilized society to keeping the press out of trials, wiretapping indiscriminately, holding people without bond on minor offenses, holding court in secret, or otherwise giving up the protections of the First, Fourth, Fifth and Sixth amendments, then terrorists and fear will indeed win the war.

Martin Luther King said, "The ultimate measure of a person is not where that person stands in moments of comfort and convenience, but where that person stands at time of challenge and controversy."

Do we have a perfect system in this country?

No.

Is it one that depends on lawyers to be the vigilant guardians of the rule of law?

Is this still the great country about which my ancestors dreamed when they immigrated here before the Civil War?

'Tis. ◆