



## President's Column: High Hopes and Great Expectations

By Amanda Green Alexander



Dear Fellow CABA Members,  
Somewhere between 7:30 a.m. and 7:40 a.m. each school day, you will hear an exchange between my 7 year old daughter

Amari Elizabeth and me as she departs the car and ventures off to another exciting day at school. Often our final departing words are "Have a great day, Amari, with high hopes" and her response "And great expectations, mommy!" And then we are both off to face the challenges of the day. Many of you, like myself, are anxiously awaiting year-end and are beginning your plans for a new year. I am reminded that this is CABA's year of "high hopes and great expectations." Whether your year is filled with daunting tasks such as trial preparation, negotiating a contract agreement, providing refuge to those less fortunate or seeking balance in your life, or exploring client development strategies, now is a good time to regroup and refocus your efforts and commitment to CABA.

Many of you began the journey with us in June and perhaps you thought "this will be the year of CABA", "we will conquer great things in

the community", "we will become more active in CABA's committee work" or perhaps you simply vowed "we will attend meetings and stay informed." Along the way, you may have become overwhelmed with that pesky thing called life and failed to make it to every CLE meeting, tennis tournament or great CABA socials. But not to despair, you still have the opportunity to become more active in CABA and its committees. We are glad you are back... just in time to tackle those resolutions. For example, our committee chairs are working on CLE programs that offer coffee with the court, programs to feed and assist needy families throughout the state, Bench & Bar Relations seminars, continuing our commitment to the MS Volunteer Lawyers Project with its Golf Tournament, more opportunities to socialize with our judges with the Evening Honoring the Judiciary, sponsorship opportunities, ways to express yourself on the newsletter committee, and exciting monthly CLE programs throughout the tri-county area.

### CABA Committee Sign-up

I understand you are very busy, so instead of opting to tackle a ton of CABA projects, just go ahead, commit to a special project and

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In Memoriam—John M. Doar  
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The views expressed in the articles published are solely those of the authors and do not represent the views of CABA, its officers, directors, or staff.

2015

Next  
Membership Meeting

February 17, 2015 • Capital Club at 12pm

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recruit a friend to help you. Our membership is steady, but we could always use a few more good members to bring fresh ideas and new perspectives. Included in this month's newsletter is a listing of our CABA committees, so please send an email to the committee chairs and sign up to get involved. <http://www.caba.ms/committees.html>

We are gearing up for election of CABA officers for the 2015–16 year and I am excited to announce that all of our candidates have been dedicated to CABA for years through various CABA committees and some with board leadership. (It's like choosing from a great dessert menu, you know you are going to get a great one no matter which you pick.) Look for your ballots via email and mail this January.

Yes, I still have high hopes and great expectations that we will wrap up our year with a blast—after all, we are just half way through the CABA year. And as we lawyers love to hear—there's still time to just do it!! Thank you for your continued support of CABA!!!

Wishing you high hopes and great expectations,  
Amanda ➔

# MVLP'S NEW EXECUTIVE DIRECTOR

By Meta Copeland

In November of 2014, the Mississippi Volunteer Lawyers Project announced the selection of Gayla Carpenter-Sanders as its new Executive Director and General Counsel. Gayla follows Tiffany Graves, who has joined



Gayla Carpenter-Sanders

the Mississippi Access to Justice Commission as its Executive Director.

Formed in 1982, MVLP has a long-standing history of providing a wide array of state-wide legal services to Mississippi's poor and less fortunate. More recently, MVLP has narrowed its focus to domestic matters.

"We were extremely fortunate to find someone as qualified and dedicated as Gayla to

lead MVLP", said John McCullough, Chairman of the Board of Directors of MVLP. "She has an unwavering passion for our mission, and I'm convinced she will do a fantastic job. While MVLP and the bar in general will benefit from Gayla's work, the main beneficiaries will be those individuals who might otherwise not be able to find legal help."

Gayla joins MVLP after a career as a litigation associate with the Wells Marble and Hurst law firm, where her work focused on insurance defense, business organization and family law. She was recognized as a Super Lawyers Mid-South Rising Star in insurance defense in 2012, 2013 and 2014, and she was named to the Lawyers of Color Hot List for 2014. Gayla is a past member of the Mississippi Bar's Women in the Profession Committee and was selected to participate in the 2014 Mississippi Bar Leadership Forum. She is a member of the American Bar Association, Mississippi Bar Association, Magnolia Bar Association, National Bar Association and the Madison County Bar Association.

Gayla's role with MVLP will build upon her past volunteer work in the Jackson area, including frequent volunteer work with MVLP and community outreach in underserved areas of the community. In 2011, she received the MVLP Pro Bono award for her work with MVLP and its clients. In 2014, Gayla received the 2014 Board of Directors Award from the Hinds County Human Resource Agency for

her work with the Hinds County Meals on Wheels program.

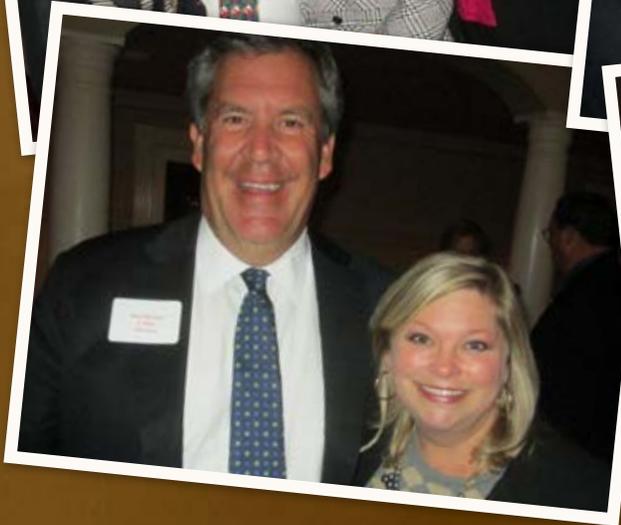
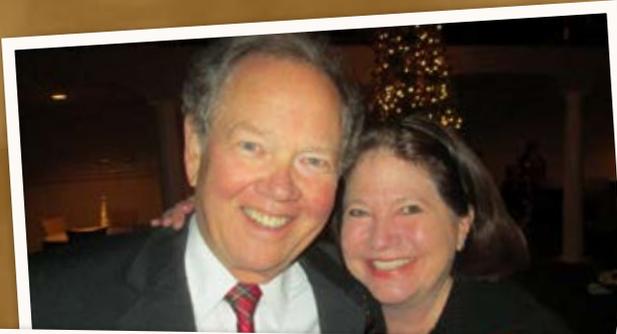
Gayla is originally from Vicksburg, Mississippi. She attended Tougaloo College, where she received Bachelor of Arts degrees in English and Political Science. She attended law school at the University of Florida in Gainesville, Florida, where she was a Virgil Hawkins Scholar and a member of the Black Law Students Association.

CABA also welcomes Gayla Carpenter-Sanders to her new leadership role and looks forward to continuing our partnership with the Mississippi Volunteer Lawyers Program. If you would like to contact Gayla, she can be reached at [gsanders@mvlp.org](mailto:gsanders@mvlp.org). To learn more about MVLP and its legal team, see [www.mvlp.net](http://www.mvlp.net). ➔



# 2014 CABA CHRISTMAS Party

*December 2nd at the Old Capitol Inn*



# 2014 CABA CHRISTMAS Party *Event Photos (cont.)*



# 2014 CABA CHRISTMAS Party *Event Photos (cont.)*



# 2014 CABA CHRISTMAS Party *Event Photos (cont.)*



# LJAP is Ready to Help, During the Holidays or Any Time of Year

By Kate Margolis

During the holiday season, when we contemplate the end of another year, our thoughts naturally turn to holidays past, friends, family and colleagues who may no longer be with us, and the events of the past year. It's often a time to take stock of where we are in our lives. Unfortunately, it's also a time of year filled with unique stressors that can exacerbate or trigger depression, anxiety, and addiction.

For this reason, it's a perfect time to remember that the staff of our state bar's Lawyers and Judges Assistance Program (LJAP) stand ready to assist with these common problems. According to LJAP Director Chip Glaze, the number of new LJAP clients has increased significantly in the past two years, mostly from self-referral, validating the fact that there is "a need out there" for assistance. He attributes the increase in clients to the increase in awareness among lawyers about LJAP's services. However, he said, "Our biggest issue remains lawyers suffering in silence," attempting to cope with untreated mental health issues and addiction alone, often with ultimately dire consequences.

Our bar was not spared the tragedy of lawyer suicide and overdose over the past year, nor the heavy guilt that afflicts fellow lawyers who wonder what they could have done to make a difference.

In an effort to alleviate these problems, in October, Mississippi Supreme Court Chief Justice Bill Waller wrote to the chairs of Mississippi's Judicial Conferences and asked them to encourage their member judges to utilize and promote LJAP's services among the attorneys practicing in their courts.

There's no doubt that life as a lawyer can be as stressful as ever, particularly in an

increasingly competitive environment. The Mississippi Bar sent a confidential survey to all members in the fall—in conjunction with the ABA's Commission on Lawyer Assistance Programs—to get updated information on the state of lawyers' health, as the prior data is now over twenty years old. Glaze said that LJAP will have access to the results specific to Mississippi and the overall results of the participating states' surveys will be published in a scholarly journal. He candidly admitted that he suspects the data will show worsening problems. New data on law students nationwide shows an increase in abuse of prescription stimulants and opiates and binge drinking, he said; however, "our law schools are ahead of the curve" on promoting awareness of these issues, thanks in part to their partnership with LJAP through the years.

Glaze said that the support of the Mississippi Supreme Court has been invaluable. He also noted that judges actually use LJAP's services, as well as participate as members of the LJAP Committee, along with other volunteers.

The LJAP Committee includes an "active roster" of volunteers and reserves who are available to share personal information about their own recovery, and along with the LJAP staff, help "manage the practical side of going into treatment," taking into account the logistics necessary for getting help while protecting your client's interests. The Committee includes lawyers at all levels and types of practice, Glaze said.

Glaze emphasized that the purpose of LJAP is "to assist, not to report," although he said the perception that contacting LJAP could jeopardize a law license or job still persists. He is hoping that this unfounded fear will be put to rest for good when a pending modification to the rules goes into effect clarifying that there is "no connection between seeking help

and your license." Ironically, failing to seek help for untreated mental illness or addiction "is more likely to cost you your job" than not seeking help, he added.

This year, LJAP launched a new program called Question, Persuade, Refer (QPR) to address our fears about not knowing what to do or say when we suspect a fellow lawyer may be contemplating suicide. "Our big push right now is QPR," Glaze said. CLE credit has been approved for QPR programs to be presented on the coast and in Jackson in the first part of 2015. However, QPR is not just a CLE and not just for lawyers. Glaze said that QPR will be made available to any group, including courts and judges, law firms, rotary clubs, church groups, and others. Participants in the training will learn how to ask "the question" and that asking "the question is the hardest, but most important thing to do, starting the whole process." By asking the question, you have "provided hope, no matter the reaction," he said.

In the coming year, LJAP will also be assisting with health and professional issues facing older lawyers as they wind down their practices and transition into retirement. The goal is to allow lawyers to leave the practice of law "in a dignified manner," rather than dealing with bar complaints, and "find other meaningful ways to use their experience like serving as a mentor" to young lawyers around the state, who often lack role models.

To learn more about LJAP, contact Chip Glaze at (601) 948-4475 or [cglaze@msbar.org](mailto:cglaze@msbar.org). Glaze can also put you in touch with a member of the LJAP Committee. At a minimum, knowing that we have access to our peers in the legal profession who have "been there" confirms that none of us is alone, during the holidays or any other time of year. ➡

# CABA DOCKET CALL

## THE BAKER DONELSON LAW FIRM'S COMMITMENT TO CABA

In each issue of our newsletter, CABA will hold a Docket Call for CABA members and law firms who are active in CABA, to share their experiences and how they have benefited from CABA membership. Our Docket Call will give you an opportunity to share information about you and/or your law firm with your colleagues, inspire new CABA members, and strengthen awareness of the profession and association. Do you want to be on our next Docket Call? Contact us at <http://www.caba.ms/contact.html>

Established in 1995, Baker Donelson's Jackson office has grown substantially from its original six attorneys to more than 70 attorneys who serve a diverse client base consisting of national, international and home-grown businesses. Attorneys in the firm's Jackson office serve clients in numerous practice areas, including probate law, federal and state taxation, labor and employment law, complex commercial litigation, product liability defense, appellate law and white collar crime defense, to name a few areas.

Firm-wide, Baker Donelson gives clients access to a team of more than 650 attorneys and public policy advisors representing more than 30 practice areas to serve a wide range of legal needs. Clients receive knowledgeable guidance from experienced, multi-disciplined

industry and client service teams, all seamlessly connected across 19 offices in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas, and Washington, D.C. Ranked as the 68th largest law firm in the U.S., Baker Donelson has been recognized by FORTUNE magazine as one of the "100 Best Companies to Work For" for five consecutive years.

Baker Donelson commits to a deep understanding of a client's business, to enable the firm to anticipate clients' needs and assist in their decision making processes. Because the attorneys offer consistent, knowledgeable guidance based on their specific goals and objectives, clients view the firm as a valued business partner. Firm diversity and women's initiatives ensure diversity in their people, perspectives and experiences. Technology helps the firm operate more effectively and efficiently by providing instant access to client-specific information and other key resources.

An important element in the culture of Baker Donelson's Jackson office is the commitment to numerous charitable, artistic and community service organizations. That commitment to service was highlighted earlier this year when the Mississippi Volunteer Lawyers Project (MVLP) recognized Baker Donelson and attorney Alan Moore during its 2014 Pro Bono Awards Dinner. The MVLP recognized Baker Donelson as a recipient of its 2014 Curtis E. Coker Access to Justice Awards, which is presented annually to an individual, law firm or other organization that has provided or helped to provide outstanding pro bono legal services during the previous year. Mr. Moore, shareholder in Baker Donelson's

Jackson office, was a recipient of the MVLP's Pro Bono Award, which recognizes individual lawyers, law firms, law students, law schools and other institutions in the legal profession throughout Mississippi that have been involved in significant pro bono efforts. Mr. Moore was recognized for his pro bono representation of the Medgar & Myrlie Evers Institute, the mission of which is to cultivate self-determination, equity and justice worldwide.

The firm also encourages and supports lawyers and staff in public service, not just pro bono work but also in other ways such as Habitat for Humanity, Stewpot, local churches and other service-oriented activities that impact the local community.

Baker Donelson's spirit of community involvement extends to its commitment and support of the Capital Area Bar Association. David Maron, former president of CABA and a shareholder in Baker Donelson's Jackson office, agrees: "Baker Donelson has been very supportive of CABA and other state, local and national bar associations, both financially with the annual evening honoring the judiciary, fundraising for MVLP, and by encouraging lawyers to participate and engage and actively serve the bar."

For example, Jennifer Hall, shareholder, has served on CABA's Board of Directors and chaired or served on multiple committees. Regarding her service to CABA, Jennifer states: "CABA has provided me with an invaluable opportunity to network with my colleagues while giving back to our profession and our community—a win-win situation." ➡

# » On Computing

Focused on the Contemporary Lawyer



By Joel Howell

Apple's latest and greatest operating system, iOS8, has made possible many new refinements. With thanks to many of the usual suspects (Law Technology News, Kim Komando, and the Internet in general), here are some new tricks.

With the new OS comes a new version of Safari, Apple's browser. With it, you can:

Tap on Private Mode and create a window separate from the main browser that allows anonymous browsing. In this cookie-infested world, the ability to move incognito on the Internet as well as rejecting cookies and automatically erase browsing and search history is a very handy ability indeed. A Private Browsing Tab has dark gray bars at the top and bottom.

Tired of getting tracked by Google? iOS8 Safari now supports DuckDuckGo, a privacy-first search engine with a no-tracking, no-trace policy. Go to Setting->Safari->Search Engine and select it from the list to make it the default engine.

You can also scan the information on your credit card data with an iPhone or iPad camera to save that data and automatically fill in future purchases.

Not until iOS8 could you view the Desktop, as opposed to the mobile, version of a site. To make this clear, try looking at the IMHO inferior version of the Clarion Ledger in an app, then press the "Request Desktop Site" button on Safari and look at the desktop version. (If you're a subscriber, you should log in under either view).

Finally, if you happen to close any tabs accidentally, press the tabs button at the bottom right of the Safari window, then tap and hold the plus symbol. That gives a list of recently closed tabs that you can choose to reopen.

Now for the new apps for your iPhone or iPad: (Note: these are designed for individual use and are not legal-specific)

Hours is a \$9.99 app, useful for time tracking by allowing a visual time line, intelligent reminders, and a nifty interface to deal with all of it.

Timeful is an interesting, non-legal app to merge your calendar and to-do lists. Thus, you can see people and places and use the app's algorithms to suggest scheduling options.

PlaceUs, also a free app, lets you share with others where you are, where you are going, and what you're doing.

The \$0.99 app Tinker is a productivity tool centered on time-based goals. Rather than setting start and stop times for a task, it lets you choose how much time you can afford to spend toward a specific goal.

PackPoint is a free packing list builder for the serious traveler. With

it, you can evaluate what to pack based on available storage space, length of journey, expected weather, and activities.

Just for kicks: Wiper is a free app stated as for finding and sharing music videos. Its best feature is a secure messaging tool which can permanently delete your message sessions, and, as a bonus, offers encrypted high-definition voice calling. ➡

Happy holidays!

Questions or comments?

Drop me an email: [jwh3@mindspring.com](mailto:jwh3@mindspring.com)



## MISSISSIPPI COLLEGE LAW 2015 LIBRARY HOURS

December 22—January 4.....CLOSED

### January 5—January 13

Monday—Thursday..... 7:00 am—midnight  
Friday..... 7:00 am—7:00 pm  
Saturday..... 9:00 am—7:00 pm  
Sunday..... noon—midnight

## EXCEPTIONS

### MLK HOLIDAY

Mon, January 14<sup>th</sup>..... 9:00 am—9:00 pm

### SPRING BREAK

Fri, March 6<sup>th</sup>..... 7:00 am—5:00 pm  
Sat, March 7<sup>th</sup>—Sun, March 8<sup>th</sup>.....CLOSED  
Mon, March 9<sup>th</sup>—Thurs, March 12<sup>th</sup>.... 7:00 am—5:00 pm  
Fri, March 13<sup>th</sup>..... 9:00 am—5:00 pm  
Sat, March 14<sup>th</sup>—Sun, March 15<sup>th</sup>.....CLOSED

### EASTER

Fri, April 3<sup>rd</sup>..... 9:00 am—5:00 pm  
Sat, April 4<sup>th</sup>..... 9:00 am—5:00 pm  
Sunday, April 6<sup>th</sup>.....CLOSED

### GRADUATION

Fri, May 15<sup>th</sup>..... 9:00 am—5:00 pm

*Hours subject to change without notice.*

*For more information call the Circulation Desk at 601-925-7120.*

# CAPTAIN EQUITY

## THE BAD, THE SAD AND THE UGLY: *What's Next?*

If you have noticed lately, America isn't doing too well. You pick the topic and it is hard to find a silver lining.

### The Bad

Let's start with the mid-term elections. From a results standpoint, the Republicans would probably disagree with my assessment. With the election running true to form for the sixth year of an incumbent President, the GOP finally captured the Senate. The same thing happened back in 2006 for the Democrats. But on closer look, voter turnout dipped to below 37%, the lowest percentage of voter participation since 1942. Why? Part of it is the growing frustration of voters with government. Prior to the election, polls tracking the overall approval of Congress were at 9%. That's right, NINE PERCENT! The response of way too many people was simply, why bother? The reasoning goes that since voting won't fix what is broken beyond repair, why waste the time. Just go do something else; anything but vote. At least 73% of registered voters did just that. The result was the lowest per capita turnout since 1942 when it can be argued that not everybody was in walking distance of a polling place.

For those who did, we can thank the *Citizens United* decision for putting too many votes up for sale. Over \$100,000,000 of Super PAC money was spent in the North Carolina senate race alone. Good for media outlets in Charlotte, Raleigh-Durham, etc. Bad for everyone else, not to mention democracy. When the Koch Brothers, et al. are paying to be favored and protected by and from government, can

***"In short, government is too big, unless of course it is not big enough to take care of the many and manifest problems that plague us at the federal, state and local levels."***

Fascism Lite be far behind?

But it is not just the legislative branch that is broken. Do the Veteran's Administration, Secret Service, the NSA and on and on . . . Ring any bells? They have been in the news recently, not for

competence, but for incompetence. And closer to home on the state level, how about the Mississippi Department of Corrections scandal? We all know that smoke doesn't necessarily equal fire, but only the recent Ag Museum fire has produced more smoke lately.

In short, government is too big, unless of course it is not big enough to take care of the many and manifest problems that plague us at the federal, state and local levels. Worse yet, there seems no prospect in sight to fix the obvious. A case in point is our infrastructure. Anybody who drives in Jackson knows what I mean. From a national perspective, more and more roads and bridges are becoming more and more obsolete and dangerous. The federal trust fund that supports the upkeep is nearly broke. It is funded by an 18¢ per gallon federal tax which is clearly inadequate. Does Congress do anything to raise it or find supplemental funds? Of course not! The key to everything, at least for the Republicans, seems to be the XL pipeline to transport Canadian shale oil through the United States for export worldwide. Once built, the pipeline will create 35 permanent jobs in the U.S. No sense in addressing real problems. How much worse can bad get? Actually, this is a rhetorical question. With the Obama administration having two more years to go while the Republicans control both houses of Congress there is no limit to what will not be done. Bad.

### The Sad

There is plenty to go around here too. The one that leaps off the page is the Bill Cosby saga. Past allegations of rape that have festered for years have apparently caught one of the true entertainment icons of America. As of last count, 16 different women have come forward with similar stories of being drugged and violated. As a result, one of the true role models on and off camera has resigned his position as a trustee of Temple University while steadfastly refusing to discuss the allegations. From a legal standpoint, the 77-year-old Cosby is shielded from criminal charges by the statute of limitations. There was an out of court settlement on civil charges some years ago. Meanwhile, the ground breaking comedian's reputation takes a hit with each passing day while everybody loses. Sad.

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## The Ugly

And then there is Ferguson, Missouri, which has become this decade's Watts, California where facts are subordinate to anger and opinion. The only bit of outrage I can muster against the police and city fathers is the fact that Michael Brown's corpse was allowed to remain in the street for four and a half hours before it could be removed to the morgue by authorities. I have never heard of anything that callous or inefficient. Beyond that we have the Grand Jury's decision not to indict after nearly three months of deliberation. We also witnessed dozens of small businesses looted and burned in the so called name of Civil Rights. The victims here are clearly innocent, yet they were punished by self appointed mobs for the crime of trying to build a better life and serve the needs of the community. As was the case in the Rodney King riots a couple of decades ago, it is almost certain that the town of Ferguson will become a food and retail desert as was the case in South Central Los Angeles. There is little more to say except that our system of justice isn't working particularly well when it comes to race related confrontations between the police and criminal suspects; at least it's not in St. Louis County, Missouri. Fill in the details and you can reach but one conclusion whatever your opinion of the case may be. Ugly.

## What's Next?

In the Death and Taxes department, if we last another two years we get to have a Presidential election in 2016 complete with the mind-numbing nomination process. It seems like only yesterday that Clint Eastwood was talking to an empty chair at the Republican National Convention as a prelude to Mitt "47%" Romney going down in flames to Kenya's Barack Hussein Obama. Please don't tell me we are getting ready to start the process all over again. I really don't think I can take it.

And now that I think of what lies ahead in light of the recent turmoil of Civil Rights and Ferguson, Missouri I suddenly realize the ultimate irony. No matter what comes, I have already outlived the one sure thing I thought I knew. My funeral will not be at Wright and Ferguson because I have outlived the one destination I absolutely knew would be my last stop. Hmmm. Maybe I should start my own Super PAC, buy some Congressmen and legally avoid taxes too. Hey, it works for the Koch Brothers.

Oh yeah, Merry Christmas and Happy New Year...I hope! 🍀

# CABA Membership Meeting/CLE on October 14



The program "Making Your Pitch Before, After, and During Court Through Written and Oral Presentations" was a panel discussion with Judge Winston Kidd, Judge Daniel Jordan, Lance Stevens, and La'Verne Edney.

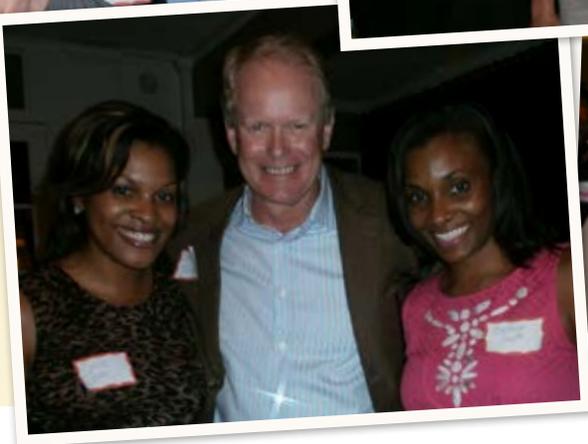
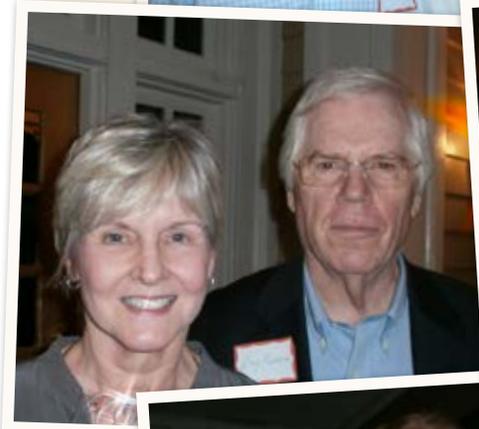
Pictured are: Jennie Eichelberger, Program Co-Chair; La'Verne Edney; Lance Stevens; Judge Jordan; Judge Kidd; Marlena Pickering, Program Co-Chair; and Amanda Green Alexander, CABA President.

10.01.2014

# FALL SOCIAL

*at Fairview Inn*

The CABA/JYL Fall Social was held October 1, 2014 at the Fairview Inn.  
Chairmen were: Catoria Martin, Tammra Cascio, and Margaret Smith.



10.01.2014

# FALL SOCIAL

*continued...*



# The Road LAWYER

## THE ROAD LAWYER *In Edinburgh*

### Overview of 18 September 2014

Just over 3.6 million Scots turned out on 18 September 2014 and voted YES or NO on the question, “Should Scotland become an independent country?”

Only 5.3 million people live in Scotland. Lots are younger than the minimum voting age of 16. Others are not registered to vote. And a handful, well, . . . To the point, 84.6% of eligible voters gave their answers to THE Question.

Scots care about their land, its people, its past, its heritage, and with a civilized passion. They have proved they can disagree with remarkable enthusiasm and relative civility on the most fundamental political question of all.

### The Road Lawyers’ First Glimpse

The Road Lawyers [TRL] had window seats for lunch at Ondine, an upscale seafood restaurant in Old Town, Edinburgh, on Saturday five days before the Scottish Independence referendum. Draped in orange, the Orders,<sup>1</sup> 15,000 strong marched by, past our window seat, turning right on “The Royal Mile,” and ending atop Edinburgh’s Abbeymount.

1. <http://www.orangeorderscotland.com/>;  
[http://en.wikipedia.org/wiki/Orange\\_Order](http://en.wikipedia.org/wiki/Orange_Order)

Many waved the blue and white Flag of Scotland—the Cross of St. Andrew—and the Union Jack. “We love Scotland,” “We love the United Kingdom,” “Better Together,” “Best of Both Worlds,” “Proud to be British,” “Proud to be Scottish,” and even “United We Stand, Divided We Fall.”

Their message was clear. The U.K. should be preserved, with Scotland a part of it, as they had known it. As their ancestors had known



Referendum cookies for sale in Fife.

it, for more than three centuries.

Still, by the time 18 September arrived, TRL had seen hundreds of blue and white YES posters and buttons, plus a large number of free standing Flags of Scotland. Others signified their opposition with red or black “NO” or “NO, Thanks” posters, or by merely flying the familiar Union Jack.<sup>2</sup>

2. [http://en.wikipedia.org/wiki/Flag\\_of\\_the\\_United\\_Kingdom/](http://en.wikipedia.org/wiki/Flag_of_the_United_Kingdom/)

The debate even made it into the bakeries. In Anstruther in Fife, a purveyor of pastries sold cookies iced in blue and “NO” and the undecided green and “?” The debate was long. In the last days before the Referendum, the locals referred to it as the Never-endum.

### A Three Century Marriage on the Rocks?

In 1707, England and Scotland united to form the Kingdom of Great Britain. Scotland’s effort to emulate England with its own colonies in the New World had been a financial disaster. The English say they came to the rescue of their neighbor to the North. Scots say England took advantage of Scotland’s financial vulnerability.

Surely the statute of limitations has run on questions about the grounds for the Union. England had absorbed Wales in 1536. In 1801, Great Britain united with Ireland to form the United Kingdom, though in 1922 most of Ireland left; hence, the independent Republic of Ireland.

So the matter stood until the 1980s. Many Scots saw Margaret Thatcher’s Tory government as harsh towards their homeland. In the days leading to 18 September, YES and NO Scots told TRL that Thatcher-imposed scars are not forgotten. “Margaret Thatcher

*Continued on next page...*

is the most hated name in all of Scotland!”

And so the Scottish Independence Referendum Act was passed by the Scottish Parliament on 14 November 2013 and received Royal Assent on 17 December 2013. Her Majesty’s Government in Westminster Hall did nothing to try to stop it.

In those last pre-referendum days, YES was far more prominent [like 20 to 1, or so] than NO in residential windows throughout



Enthusiastic YES man at Parliament building, Edinburgh.

Edinburgh. The margin seemed greater in Leith, port city to Edinburgh on the Firth of Forth. “We want to be like Canada” was the elaboration commonly heard.

Of course, a good 90 percent of the many windows TRL passed while riding tour buses or walking the streets in Old Town or New Town were mere unadorned panes. And in Fife, home of former Labour Prime Minister Gordon Brown, along the North Sea coast.

Not sure whether what was visible confirmed the large “Undecided” vote we kept hearing about, or whether the NO voters were more restrained, or just lying low.

## Tribalism (Re)Unleashed?

A generation ago nationalism seemed passé, nice but not necessary to the functioning of organized society. Then the Iron Curtain came down. The Soviet Union imploded. The British Empire had already disintegrated, but for ceremony. In time, other strong fisted regimes fell, in the Balkans, the Middle East and more recently in Northern Africa.

People(s) began to seek their roots, and thought it important that they do so and that they be allowed to do so. Tribalism was unleashed anew. Combined with religion and race, it became toxic—everywhere, or so it seemed. The one major cross-current, the European Union, has been stressed by tough economic times.

TRL recalled how Holmes put the point, viz., “I believe in the iniquitous doctrine of my country right or wrong,” writing to a “dear fighting [Irish lady] friend”<sup>3</sup> a hundred years ago, as the forces built towards Irish home rule.

Unique Scottish Values and Interests?

On Tuesday, 16 September 2014, Alex Stevenson posted a question, “How different are Scotland’s values to the rest of the UK’s?”<sup>4</sup> Stevenson’s approach was that, if Scotland could show it really is different from England in ways that count, the case for independence would be stronger.

Of course, there is Haggis, the Scottish “savory pudding containing sheep’s pluck (heart, liver and lungs), minced with onion, oatmeal, suet, spices and salt, mixed with stock, and traditionally encased in the animal’s stomach, and simmered for approximately three hours.”<sup>5</sup>

To suggest that Scottish Haggis is unique is inadequate. TRL learned that in late June 2014, the U.K. government had launched yet another effort to convince the U.S. to lift the ban it imposed on Haggis in 1971 and allow American Scots to enjoy this traditional Scottish experience.<sup>6</sup>

Haggis aside, Stevenson quoted ostensibly

astute observers to the point that general social values on matters like education and welfare and publicly funded universal healthcare are not that different as compared to England. The social welfare state, introduced in the wake of World War II by Clement Atlee and the Labour Party, in its broad strokes remains in effect and seems to enjoy general public support, Maggie Thatcher’s efforts a quarter of a century ago to the contrary notwithstanding.

And so the issues in the independence campaign became practical. How the Scottish economy would fare under independence became hotly disputed. Two big particulars. Currency and North Sea oil.<sup>7</sup> And would these really matter? And how so?

Scottish National Party [SNP] leader Alex Salmond said Scotland would continue to use the U.K. pound sterling as it does now. U.K. Prime Minister David Cameron said, no you won’t. Salmond said he’d negotiate the point but, in any event, you couldn’t stop us.

Pro-Independence Scots argued there are abundant untapped North Sea oil resources that an independent Scotland could use to support its economy. Critics said the claims were poppycock.

No way for objective American lawyers like TRL to learn or understand the facts well enough to know on these and lesser points.

## The Numbers Speak

There is the matter of discernable class distinctions, but the political boundary between England and Scotland does not seem to coincide there.

A recent inquiry into the pedigrees of families who fought either for or against Robert the Bruce on 24th June 1314 documented the “extraordinary close blood connections they had in common, north and south of the Scottish Border and, as the centuries moved on, how generations continued to inter-marry and reconnect with each other.”<sup>8</sup>

Apparently, there is an affluent middle

3. O. W. Holmes, Jr., to Irish historian Alice Stopford Green, Nov. 9, 1913, in *THE ESSENTIAL HOLMES* 22 (Posner ed. 1992).

4. <https://uk.news.yahoo.com/how-different-are-Scotland's-values-to-the-rest-of-the-UK's?> posted by Alex Stevenson, Sept. 16, 2014.

5. <http://en.wikipedia.org/wiki/Haggis>.

6. “UK government bids to overturn US haggis ban,” BBC News, 29 June 2014, <http://www.bbc.com/news/uk-scotland-scotland-business-28070716>.

7. See Stanley Reed, “Scotland’s Risky Bet,” *THE NEW YORK TIMES*, page B1 (Sept. 17, 2014); <https://>

[uk.news.yahoo.com/scottish-independence-all-you-need-to-know-before-2014's-referendum](http://uk.news.yahoo.com/scottish-independence-all-you-need-to-know-before-2014's-referendum) posted by Ian Dunt, Aug. 18, 2014.

8. Gavin MacLeod, Only Connect in SCOTLAND *MAGAZINE* 38, 39 (Dec 2014/Jan 2015).

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class in and around London, southern and southeastern England, more so than elsewhere within the U.K.

Published reports suggest there's not much difference at all in class, employment and demographics among the people of Liverpool, Newcastle and Manchester in northern England when compared with their Scottish neighbors a bit further to the North. Almost all of the English Labour MPs elected in 2010 represent districts near or bordering Scotland.

Some make the point that there is no more a set of homogenous Scottish values than there is a set of homogenous English values.

But there is that political boundary between Scotland, where some 5.3 million live, and England proper, where a whopping 56.5 million are said to reside. Wales has about 3.1 million people, and Northern Ireland completes the U.K. with some 1.8 million.

The picture becomes clearer when you look at the U.K. House of Commons, apportioned as per the 2010 general elections. Some 533 MPs hail from England, while only 60 come from Scotland, 40 from Wales and 18 from Northern Ireland.<sup>9</sup>

Simple math says there is no way Scots could speak with effect on a point of U.K. – wide importance where Scotland's material interests really did differ from England's and the others'.

People understand majority rule, but no one wants to be in a powerless minority, forever.

The ostensible political difference between the said-to-be more liberal, pro-social welfare oriented Scotch and the said-to-be more conservative England has been exaggerated by regular reporting that there is but a lone Conservative/Tory MP from Scotland, elected from a south central Scottish district that borders England.

(Though it did produce a nice quip from TRL's tour bus commentator on 17 September, viz., "There are more pandas in Scotland than Tory MPs, two to one!")

Of Scotland's 60 MPs, 40 belong to the Labour Party, including former Prime Minister Brown. Add six members of the SNP and you

have a view of Opposition strength in the Scottish delegation. Still, eleven are Liberal Democrats (Gladstone's descendants?) who UK-wide have joined with the Conservatives to form the government led by Prime Minister David Cameron.<sup>10</sup>

## A Hypothetical New England Secession Seems an Apt Illustration

For five days in Edinburgh and day trip environs leading up to 18 September, TRL wondered how to give friends back home a sense of what had been going on up here. Looking only at population and politics and with broad strokes, imagine that the six New England states declared their independence, and set up a new capitol in Boston.

Disregarding, of course, Daniel Webster's "Liberty and Union, Now and Forever, One and Inseparable."

Winters are colder in New England, before you add in the nor'easters those near the sea must contend with. New Englanders say they work harder than folk anywhere else. Many still go down to the sea in ships, though more in fishing vessels these days. They are a hardier people because of the environment in which they live.

Natural resources are scarce and/or exhausted. The economy relies heavily on tourism.

Washington has as poor a track record in responding to unique New England needs, as Westminster/London's to Scotland's (though, again, perception or reality?).

## A History and a Perspective

The point dates back the artistic effort to do what could never be done politically. The Hudson River School responded with brush and canvas to everything that Jacksonian Democracy stood for and was perceived to be doing to and for the Republic. The Northeast knew it did not have and likely would never

have the votes to dig its way out of being a perpetual political minority.

For all its merit and history, New England is a perpetual weak sister, never again to have stand-alone political strength vis a vis the U.S. in the aggregate. And this would be so even if New York joined a hypothetical secession movement. Witness the 2014 U.S. elections. New England could make about as strong a case for independence as the pro/YES Scots made. But this is about as far as TRL as American lawyers, trying to be objective and understand, can go in telling the story of what happened in Scotland leading up to and on 18 September.

## The Power of the Prominent, the Pen and the Brush

In the days before the referendum, both YES and NO campaigns invoked the supposed prestige and support of great Scots of years past. The poet Robert Burns would surely have voted YES, or so we were told. Moral philosopher and economist Adam Smith would surely have voted NO.

With no illusion that it leads to a full understanding of 18 September, this seems a worthwhile way of thinking about The Question.

After all, Scotland is rich in history and legends and great characters that have influenced others at home and worldwide. The evidence is on the streets in dozens of statues, monuments and memorials, and in the cemeteries and museums of Edinburgh. Scotland's story matters.<sup>11</sup>

Does there not remain in America a power not only in the brush strokes of the Hudson Valley School, of Winslow Homer, Edward Hopper and Norman Rockwell, but, as well, in the pens of Bryant and Irving, of Emerson and Longfellow and Thoreau, of Melville and Whitman, and of Robert Frost, in the judgments of Holmes and Brandeis, and the scholars of Harvard and Yale, though that power may be hard to quantify?

To be sure, it might be hard to tease a

9. [http://en.wikipedia.org/wiki/List\\_of\\_MPs\\_elected\\_in\\_the\\_United\\_Kingdom](http://en.wikipedia.org/wiki/List_of_MPs_elected_in_the_United_Kingdom).  
10. <http://en.wikipedia.org/wiki/>

List\_of\_MPs\_elected\_in\_Scotland.  
11. 18 September drew attention all over the United States, from multiple daily entries in THE NEW

YORK TIMES to Kate Royals, "Bright future ahead, Scotland natives say," THE CLARION-LEDGER, page 1 (Sept. 20, 2014).

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political sentiment out of some of the great Scots of times past. A building at the University of Edinburgh bears the name of James Clerk Maxwell (1831–1879). An imposing monument with Maxwell’s mounted likeness stands in the middle of George Street.

A theoretical physicist, Maxwell did path-breaking work regarding what is now known as the electromagnetic interaction. Though a lover of Scottish poetry and an elder in the Church of Scotland, nothing immediately available on the Internet suggests Maxwell’s politics, if he had firm political views at all.

## Need One Go Further than the Scottish National Portrait Gallery, 18 September 2014?

In September 2014 the walls and halls and archives of the Scottish National Portrait Gallery (SNPG) on Queen Street in Edinburgh spoke volumes, particularly so given the special retrospective, *John Ruskin: Artist and Observer*.

A large mural processional frieze surrounds the upper level of the four inner walls of the Great Hall just past the entrance to the SNPG.<sup>12</sup> The frieze tells Scotland’s story though 155 great Scots, arranged more or less chronologically, from the legends of pre-history up through Victorian era social critic and public intellectual, Thomas Carlyle. There is no commentary, only countenances.

Fortress Scotland bound neither the thinking nor actions nor lives nor power of these and many other great Scots. The mere personae of men and women of Scottish history speak for themselves.

King Duncan I, of the Clan Connachaidh n/k/a Robertson, who ruled from 1034 until 1040, stands on the west wall beside Gruach a/k/a Lady Macbeth and then Macbeth his hen-pecked self, no mention made of the means of succession. Few graduate from high school in the U.S. without exposure to Shakespeare’s tragic tale of witches and ghosts, intrigue and murder and the ambitions of the ultimate dominatrix.

Clan chief Donnchadh Reamhar, his relatives and followers, would go on to support Robert the Bruce at the Battle of Bannockburn in 1314 during the Wars of Scottish Independence; herein of the tale of Robert and the Spider that enriched for the school child the lesson of David and Goliath, *i.e.*, much more is generally needed than one lucky shot from a sling.

Mary Queen of Scots may have lost her head, but she won the war. Her son did the impossible, becoming King James I of England while also being James VI of Scotland (yes, that King James), uniting England and Scotland, though the deal would not be sealed for another century.

In the Sixteenth Century, John Knox led the Protestant Reformation in Scotland and is credited with assuring that the Presbyterian Church and Calvinism would become the Church of Scotland, replacing Catholicism. Knox stands on the south wall, among those memorialized in the Hole frieze in the Scottish National Portrait Gallery. He may or may not have spent his last days in “John Knox House” on High Street (the Royal Mile). Statues of Knox dot the City of Edinburgh, prominently in St. Giles Cathedral.

These figures were important. The views of those who lived before the political marriage of 1707 should be taken with several grains of salt.

## David Hume

Two eighteenth-century, secular Scots arguably made more of a difference than did the kings and queens, political and religious leaders, and the literary luminaries that followed. How would they likely have voted on 18 September?

David Hume (1711–1776) set out to do for morality and ethics what Newton had done for the natural sciences. In his pursuits as a writer, economist, historian and philosopher, Hume was an unrepentant empiricist, a positivist.<sup>13</sup>

Immanuel Kant claimed that Hume’s work

woke him from his “dogmatic slumbers.” The Utilitarians relied heavily on Hume, Jeremy Bentham supposedly having said that reading Hume “caused the scales to fall from my eyes.” Charles Darwin drew insights from Hume for his theories of evolution and natural selection.

## Adam Smith

No one gave Hume a greater nod than another secular Scot, Adam Smith (1723–1790), a friend and colleague, though a decade younger. Smith is best known as the father of free market economic theory, articulated in *An Inquiry into the Nature and Causes of The Wealth of Nations* (1776).

Smith argued that “wealth comes from production,” that “self-interest drives wealth.” Words to be understood as coming from a good moral empiricist. Conversely, “the motivation of the worker is crucial to production,” “to keep the worker interested in his work and motivated to do it well, he must be paid fair wages.”<sup>14</sup>

Hume suggests and Smith confirms that the latter took the former’s work in international trade, monetary policy and finance and produced *The Wealth of Nations* in the same year Hume died and the United States were born.

## Hume and Smith

Statues of Hume and Smith are found on High Street a/k/a “the Royal Mile,” with so many others. Each is an honored Scot, standing side by side on the east wall of Hole’s frieze in the NSPG, with Smith facing and appearing to be speaking to Hume, his mentor.

There can be no doubt that each was rolling over in his grave at the thought of a Scottish declaration of independence. Hume’s scholarly countenance sits about a block from a polling place TRL passed on the streets after dinner on referendum evening. The polls stayed open until 2200 hours.

It is appropriate that the Hume Memorial in Calton Cemetery stands next to a statue

12. <http://www.williamhole.co.uk/category/scottish-national-portrait-gallery/> [https://www.nationalgalleries.org/education/activityPopUp/frieze\\_framed.swf](https://www.nationalgalleries.org/education/activityPopUp/frieze_framed.swf).

13. See, e.g., David Hume, Stanford Encyclopedia of Philosophy (2014) <http://plato.stanford.edu/entries/hume/>; David Hume (Internet Encyclopedia of Philosophy) <http://www.iep.utm.edu/hume/>.

14. SNPG provides videos of *faux* interviews with many of the worthies it honors.

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of Abraham Lincoln, in memory of Scottish Americans who perished in the Civil War, fighting to save our Union.



Hume tomb and Lincoln monument,  
Calton Cemetery, Edinburgh.

Adam Smith's picture graces the twenty pound (£20) note issued by the Bank of England, accepted currency in Scotland. Robert the Bruce and the Spider are depicted on the twenty pound (£20) note issued by the Glasgow-based Clydesdale Bank.

The Clydesdale Bank posted a pre-18 September notice on its website that it had made contingency plans, in the event of a YES vote, which "include re-registering the Bank as an English company in order to mitigate risks and provide increased certainty for customers during independence negotiations and beyond."<sup>15</sup> The Royal Bank of Scotland and Lloyds had made like statements.<sup>16</sup>

## Flora MacDonald

Flora MacDonald<sup>17</sup> (1722–1790) became a heroine of the Jacobite Risings in the mid-eighteenth century, focused on restoring the Stuarts to the throne of the United Kingdom.

But Prince Charles Edward was defeated at the Battle of Culloden and was on the run. Flora famously helped Bonnie Prince Charlie escape, dressed as an Irish maidservant.<sup>18</sup>

The story is told of Flora's meeting with Dr. Samuel Johnson in 1773 while he and James Boswell were touring in Scotland. Johnson is said to have described her as a woman of

"elegant manners and gentle presence."

In 1774, Flora and Allan MacDonald sailed to the British colony of North Carolina. A few years later, Allan joined the Royal Highland Emigrants and fought for King George in the American Revolution.

Dr. Johnson also said of Flora, "Her name will be mentioned in history, and if courage and fidelity be virtues, mentioned with honour." She stands on the east wall of Hole's frieze, the fourth figure to Hume's left.

## James Boswell

James Boswell<sup>19</sup> (1740–1795) was the ninth Laird of Auchinleck. A lawyer by profession, Boswell's *The Life of Samuel Johnson, LL.D.* (1791) is and always has been the gold standard for biography. He stands three to the left of James Watt on the east wall of Hole's frieze.

## James Watt

James Watt<sup>20</sup> (1736–1819), long associated with the University of Glasgow, invented the steam engine and fueled the Industrial Revolution. Watt was much more than an inventor and mechanical engineer. Natural philosophy, chemistry and astronomy were among his many interests. Watt became a friend and associate of Adam Smith.

## Robert Burns

Three sculptures greet visitors to the SNPG. Robert Burns is front and center, a full length sandstone presentation. Sculpted busts of Walter Scott (1771–1832) and Robert Louis Stevenson (1850–1894) flank Burns.

Scott and Burns stand on the east wall of Hole's frieze. Rabbie Burns is third to the left of James Watt. Stevenson is on the north wall.

Burns was born in 1759, the Ploughman poet, Robden of Salway Firth, Bard of Ayrshire.<sup>21</sup> Some of Rabbie Burns' best known poems include "A Man's a Man for A' That," "Auld

Lang Syne," "The Battle of Sherramuir," and "Tam O' Shanter."

John Steinbeck drew on "To a Mouse" for his *OF MICE AND MEN*. Bob Dylan said "A Red, Red Rose" had a big effect on his life.

The Burns Encyclopedia offers aid to those of us not fluent in such dialects, "The Best of Robert Burns, translated into the de'il's tongue!"<sup>22</sup> In time some saw Burns' poetry to have inspired liberalism and socialism.

In a straw vote run by a Scottish television station in 2009, the public named Burns "The Greatest Scot." William Wallace came in a close second.

Burns is depicted on the ten pound (£10) note issued by the Clydesdale Bank. Charles Darwin is depicted on the ten pound (£10) note issued by the Bank of England.

Burns' birthday, 25 January, is the most observed day in Scotland, beating out the formal St. Andrew's Day. Burns suppers take place on 25 January around the world. First item on the agenda is reciting Burns' poem "Address to a Haggis,"<sup>23</sup> though this may turn on whether the local government has a U.S. style ban on serving Haggis.

In 1864, well before the American Haggis ban was imposed, President Lincoln was invited to attend a Burns supper, or propose a toast. The President chose to compose a toast.

A bronze sculpture of Burns graces the Literary Walk and Mall in Central Park in New York, courtesy the efforts of eminent Victorian sculptor, Sir John Steell.

## Walter Scott

A 61.11-meter (that's 200 feet, 6 inches, for those who refuse to join the civilized and uncivilized rest of the world that uses the metric system) monument stands just south of Princes Street, across from Jenners Department Store in Edinburgh. Walter Scott is the honoree.

Yes, referring to Scott as "Sir Walter" is confusing the familiar with the necessary. (Sir) John Steell did the honors on the Scott

15. <http://www.cbonline.co.uk>, News and Information, Scottish Referendum - Clydesdale Bank Statement.  
16. See, e.g., Stanley Reed, "Scotland's Risky Bet," *THE NEW YORK TIMES*, page B1 (Sept. 17, 2014).  
17. See [http://en.wikipedia.org/wiki/Flora\\_MacDonald](http://en.wikipedia.org/wiki/Flora_MacDonald); <http://www.rampantscotland.com/famous/bifamflora>.

<http://www.electricscotland.com/history/women/wih9.htm>; a more lengthy biography appears at <http://www.electricscotland.com/history/women/wih9.htm>.  
18. <http://www.britannica.com/EBchecked/topic/354101/Flora-Macdonald>.  
19. See [http://en.wikipedia.org/wiki/James\\_Boswell](http://en.wikipedia.org/wiki/James_Boswell).  
20. See [http://en.wikipedia.org/wiki/James\\_Watt](http://en.wikipedia.org/wiki/James_Watt).

21. [http://en.wikipedia.org/wiki/Robert\\_Burns](http://en.wikipedia.org/wiki/Robert_Burns).  
22. [http://robertburns.org/Burns\\_In\\_English](http://robertburns.org/Burns_In_English), by William Curran.  
23. [http://www.robertburns.org.uk/Assets/Poems\\_Songs/toagaggis.htm](http://www.robertburns.org.uk/Assets/Poems_Songs/toagaggis.htm).

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sculpture in New York's Central Park as well, installed across from and facing Rabbie Burns.

From the year following World War I through at least the end of the 1950s, few of us as early as late elementary escaped exposure and no little pleasure from Scott's tales of chivalry, romance and medieval England. *Ivanhoe*, the story set in the times of King Richard I and Robin Hood, was a best seller when written in 1820 and still popular with school teachers fifty years ago. Most Baby Boomers remember the lines

Breathes there the man with soul so dead,  
Who never to himself hath said,  
"This is my own, my native land"?

Some no doubt recall that Edward Everett Hale used it in his short story, "The Man Without a Country," but few could tell you that the words were Scott's from his poem, "The Lay of the Last Minstrel" (1805).

Practically unknown here is that Scott also had a career as a lawyer in Edinburgh.<sup>24</sup>

Sculptures, portraits and drawings all over Edinburgh, the rest of the U.K. and the U.S. keep his memory alive.<sup>25</sup>

## Robert Louis Stevenson

Robert Louis Stevenson<sup>26</sup> (1850–1894) excited the imagination of school children with a different kind of story. Best known is *Treasure Island*, though a case can be made that more of us remember the N. C. Wyeth illustrations that gave life to Stevenson's famous tale of adventure. *Kidnapped* followed, as did *The Black Arrow* and *The Master of Ballantrae*.

A little older, we were fascinated by *The Strange Case of Dr. Jekyll and Mr. Hyde*.

As for the issue of the day, decided 18 September, both sides reasonably laid claim to Stevenson's vote. He is said to have considered himself a socialist in his youth.

In 1877, upon his having become a Tory, Stevenson is said to have remarked, "I submit to this, as I would submit to gout or gray hair,

as a concomitant of growing age . . . , but I do not acknowledge that it is necessarily a change for the better—I dare say it is deplorably for the worse."<sup>27</sup>

Beginning in 1888 and until his death in 1894, Stevenson spent most of his time among the South Sea islands, beginning with what is now Hawaii, the Gilbert Islands, Tahiti and the Samoan Islands, among others.

## Lord Macaulay

Thomas Babington, Lord Macaulay<sup>28</sup> (1800–1859) stands roughly midway between Thomas Carlyle and David Livingstone to his right on the north wall of Cole's frieze and Robert Louis Stevenson to his left. Macaulay authored a five volume *The History of England from the Accession of James the Second* (and James VII of Scotland) that ultimately extended through King William III of Orange, 1685 through 1702.

Macaulay's history focused on the Glorious Revolution of 1688, which deposed James II or James VII, depending on your point of view. On January 9, 1860, Macaulay was buried in Poets' Corner in Westminster Abbey in London.

## David Livingstone

The London Missionary Society sent Scottish Congregationalist medical missionary David Livingstone<sup>29</sup> (1813–1873) to Africa, where he dropped out of sight for six years until H. M. Stanley found him in 1871 on the shores of Lake Tanganyika. "Dr. Livingstone, I presume." Livingstone stands next to Thomas Carlyle on the north wall of Hole's frieze.

## Thomas Carlyle

It is fitting that Thomas Carlyle<sup>30</sup> (1795–1881) is at the end of William Hole's line of great Scots, standing on the north wall of the

Great Hall at SNPG, and for several reasons.

A larger than life figure on a far broader stage than Scotland, Carlyle articulated a "great man" theory of history in *On Heroes, Hero-Worship and the Heroic in History* (1841) and then proceeded to author the six volume *History of Frederick II of Prussia, called Frederick the Great* (1858–1865). This Carlyle project validates Hole's *modus operandi*.

Unlike Hume and Smith and the Utilitarians who followed, Carlyle clung to a transcendental and non-materialistic view of the world and human endeavor in it, though his mature years corresponded with the Industrial Revolution (as Hume's and Smith's did not).

We know that Carlyle was influenced by German idealism and literature in his early years. He developed and maintained a friendship with Americans<sup>31</sup> such as Ralph Waldo Emerson. And he lived in London for many years.

Offered burial in Westminster Abbey, Carlyle declined in favor of a return to Ecclefechan, a small village in southern Scotland where he lies next to his parents.

## John Ruskin

John Ruskin (1819–1900) is not on the Hole frieze. His work was displayed at SNPG more prominently than William Hole's, albeit only until 28 September 2014. Carlyle and Ruskin met in the 1840s. "[T]hey . . . had much in common. Ruskin, too, was a Scot, although a displaced one."<sup>32</sup> By the end of 1873, the two has become so close that, in time after the death of his father, Ruskin began to address his elder as "Papa."

In time, his artistic endeavors evolved and Ruskin became a social, moral and utopian philosopher. His later work was admired by the aging Leo Tolstoy, and by the youthful Mohandas K. Gandhi.

Ruskin argued that "the world of work should be driven by the human needs of the

24. [http://en.wikipedia.org/wiki/Walter\\_Scott](http://en.wikipedia.org/wiki/Walter_Scott).

25. See generally the Walter Scott Digital Archive maintained by the University of Edinburgh, <http://www.walterscott.lib.ed.ac.uk/>.

26. See [www.robert-louis-stevenson.org/](http://www.robert-louis-stevenson.org/); [http://en.wikipedia.org/wiki/Robert\\_Louis\\_Stevenson](http://en.wikipedia.org/wiki/Robert_Louis_Stevenson).

27. [http://en.wikipedia.org/wiki/Robert\\_Louis\\_Stevenson](http://en.wikipedia.org/wiki/Robert_Louis_Stevenson) note 53.

28. See [http://en.wikipedia.org/wiki/Thomas\\_Babington\\_Macaulay](http://en.wikipedia.org/wiki/Thomas_Babington_Macaulay).

29. See [http://en.wikipedia.org/wiki/David\\_Livingstone](http://en.wikipedia.org/wiki/David_Livingstone).

30. [http://en.wikipedia.org/wiki/Thomas\\_Carlyle](http://en.wikipedia.org/wiki/Thomas_Carlyle).

31. Gary Wills, "Ruskin: The Great Artist Emerges," *THE NEW YORK REVIEW OF BOOKS* 24 (April 3, 2014).

32. John Batchelor, *JOHN RUSKIN; NO WEALTH BUT LIFE* 244 (2000). Much of what TRL says about Ruskin comes from Prof. Batchelor's book.

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worker, not by economic laws.”<sup>33</sup> He envisioned a “kind of medieval world free of machinery”<sup>34</sup> where men found value and meaning in manual labor. Though opposed to socialism, properly so called, Ruskin sought to “give back to the workman ownership of his productive life.”<sup>35</sup>

Ruskin railed against John Stuart Mill and the utilitarians, joining Carlyle in condemnation of those “dismal science”<sup>36</sup> people. Keeping in mind that Adam Smith’s work was done before the Industrial Revolution, and in the day when the craft guilds still flourished, the thinking of Ruskin and Carlyle was not altogether at odds with Smith’s.

Most noteworthy for present purposes was Ruskin’s influence on the British Labour Party. When surveyed in 1906, the first Labour MPs were asked to list the influences on their political beliefs. “Ruskin was the clear favorite.”<sup>37</sup> The Bible was second. Carlyle was fifth.

Ruskin’s Guild of St. George, as he conceived it, would have established in the world he knew a sort of utopian society,<sup>38</sup> “a self-governing community, living on British soil but disassociated from British capitalism; an embodiment of the doctrine that ‘there is no wealth but life’.”<sup>39</sup>

It is hard to imagine Ruskin (and Carlyle) as other than unrelenting advocates of a United Kingdom, where the ideals expressed in *Unto this Last and Fors Clavigera* were implemented and prevailed, with little patience for the sort of provincial thinking that drove the YES campaign.

## Whence Scotland and Great Scots?

David Hume and Adam Smith differed from the other Great Scots noted above, and a bit from each other. Flora MacDonald fought for the Scots at home but for King George when his American colonies rebelled.

Burns and Scott and Stevenson each wrote with a different pen and spoke with a different voice to a different time and with a different story. Carlyle and Ruskin saw the world quite differently than did Hume and Smith a century before.

All drew on their Scottish roots and heritage. Many spent years in London, with no apparent evidence it was thought a foreign land. Many studied and learned from others of different lands and languages on the Continent.

None of the Great Scots shunned wisdom from beyond the political boundaries of his native land. Each had a broad point of view, at times rich in Scottish experience but never cloistered in that northern land. Each delivered a message to the world at large. TRL is less sure about Burns than the others, though one thing is clear: the Western World has received (but not necessarily read) his poetry.

James Watt’s steam engine ignited the Industrial Revolution. David Livingstone preached and practiced the love of all mankind. And James Clerk Maxwell spoke of and to the Universe itself.

## The Lessons of 18 September

There is no denying the energy and excitement that led to 18 September 2014 in Scotland. While the fight was fought civilly and passionately and peacefully, there is no denying that at its core the YES campaign brought forth the face of tribalism.

The lesson of the Scottish independence referendum is not how such contests should be fought, but that the world would be a better place if we could stop fighting them at all. That’s not likely to happen.

It was a Brit, the late Herbert L. A. Hart, who taught us most persuasively that law and order are social facts the efficacy of which turns, not on some constitution but on their acceptance by a broad enough portion of the people.<sup>40</sup>

My country right or wrong will always attract the bad and the good. If only the magnetic pull of its polar opposite—one Universe with liberty and justice for all—could provide a countervailing force a bit more often and with a bit more effect.

And afford enough light for more to see more of the time that an empirically based search for a better Universe does not imply, much less require, a lesser reverence for the land where one was born and raised.

Or that one is happier when living only among one’s own. 📌

33. Batchelor, at 333.

34. Batchelor, at 247.

35. Batchelor, at 333, also 247.

36. Carlyle’s label has long since passed into the lexicon of economics to the point where it retains a currency that it is used by many

who may not know whence it came. *See, e.g.*, the headline, “The Dismal Science” used by the New York Times Book Review, page 1 (September 28, 2014) for two book review essays prepared by Paul Krugman and Felix Salmon.

37. Batchelor, at ix.

38. [www.guildofstgeorge.org/uk/](http://www.guildofstgeorge.org/uk/); [http://en.wikipedia.org/wiki/guild\\_of\\_st\\_george](http://en.wikipedia.org/wiki/guild_of_st_george).

39. Batchelor, at 251.

40. H. L. A. Hart, *THE CONCEPT OF LAW* 97-107 (1961).

## 2015 Officer Elections:

CABA officer elections will take place in January of 2015. Ballots will be sent to all CABA members by mail and email in late January. The slate of candidates is below. Members may petition for additions to the slate. All petitions must be submitted in writing by January 15, 2015 to Capital Area Bar Association, P.O. Box 14065, Jackson, MS 39236.

### Secretary/Treasurer:

Tiffany Graves  
Troy Odom

### Post I Director:

Tiffany Grove  
Dellwyn Smith

### Post II Director:

Brad Moody  
Kevin Gay

# 2014 TENNIS TOURNAMENT

The Capital Area Bar Association (CABA) held the Battle of the Barrister's Annual Benefit Tennis Tournament Friday, September 19th through Sunday, September 21, 2014. It was a weekend long, fun-filled family event. Proceeds from the tournament will be donated to MVLP.



## EVENT PHOTOS



# In Memoriam—John M. Doar (December 3, 1921–November 11, 2014)

By John C. Henegan

The first time I recall hearing the name John Doar was in the early or mid-1970s while I was an undergrad or law student at Ole Miss. The setting has long been forgotten, but someone—I think probably a law student who had worked as an intern at North Mississippi Rural Legal Services—was talking about what he called the “civil rights era.”

He said that there was an attorney from the Justice Department named John Doar who, during the voter registration era in the mid-1960s, went into black-owned business stores in Mississippi and Alabama. After introducing himself and letting the owner know he was with the Justice Department in Washington, D.C., Mr. Doar would tell the owners he or she should feel free to register to vote at the local county courthouse. If anyone tried to interfere or intimidate them, they should call him, and he would see that it stopped. He would leave them a card without a name or a title—only a telephone number—which he said was where they could reach him day or night.



Doar receiving the Presidential Medal of Freedom from President Barack Obama.

Hearing the story, I was curious but skeptical. The act seemed so far outside what I thought an attorney for the Justice Department would be called upon to undertake or might ever do that I passed it off as so much folklore.

Sometime later, on one of my many drives

through the north central Mississippi countryside in the spring or fall of my time at Ole Miss, I went into a country store owned by a black family in rural Lafayette or Marshall County.



Doar pleading for calm in Jackson after the Evers assassination.

I had stopped for gas and was paying for that and a cold bottled Coke after first checking out the name of the town on the bottom of the bottle to see where it had been made.

Standing at the counter, I saw a plain white business card with a single telephone number—nothing else. The card was scotch taped to the side of the cash register, stuck there among 30 or 40 other cards, decals, calendars, and miscellaneous other items. The card had no position of prominence and had faded to a pale shade of ochre. I stood there staring at the card for a few seconds while the owner (or maybe it was an employee clerk) made change with the bill that I had handed him.

When I held my hand out and looked up, the proprietor looked me directly in the eyes—solemnly, silently. I thought about the folk tale of Mr. Doar going in and out of stores like the one I was standing in, but I wasn't sure about what questions to ask or even if it was my place to do so or how my questions might be received. I left and never went back of course.

I have since independently heard from other people who lived in Mississippi back then that Mr. Doar left his card just as I heard it described the first time. The only thing I can say it is that is consistent with and, if anything, altogether pedestrian in light of the

other things that I later learned about him.

John Doar came from the mid-west and, after finishing college at Princeton, enlisted in the Army Air Corp and was training to be a bomber pilot when World War II ended. After he was discharged from the Army, he went to law school and joined his father in law practice in Wisconsin.

He went to work at Justice at the end of the Eisenhower Administration and was a self-proclaimed “Lincoln Republican” from Wisconsin who joined the Civil Rights Division with the view of trying to spearhead the registration of black voters in the South to loosen what he viewed as the stranglehold of Southern Democrats in Congress in preventing suffrage equality between the races. He stayed on during the Kennedy and Johnson Administrations.

After the first Freedom Riders bus was fire bombed in the summer of 1961 in Anniston, Alabama, and its passengers were beaten as local law enforcement officials looked away, Mr. Doar and another member of the Justice Department rode on the next Freedom Riders bus to Montgomery, Alabama. Mr. Doar and a federal marshal escorted James Meredith to Ole Miss when he enrolled there on September 30, 1962, and he spent the first night with Meredith in his dormitory while riots took place a few hundred yards away in front of the Lyceum.



James Meredith (back center) is escorted by John Doar (to his right).

After Medgar Evers' funeral service in Jackson in early June 1963, Mr. Doar stepped into the street as a large group of young

African-Americans silently marched to Capitol Street protesting Mr. Evers' assassination when they were met on Farish Street by a phalanx of policemen with helmets and billy clubs. Mr. Doar is credited with singlehandedly preventing a race riot. While rocks and stones were being thrown around and over him, he tried to calm the marchers and asked them to desist: "My name is John Doar. I am from the Justice Department, and everybody here knows that I stand for what is right." He asked the students to go back to their homes, and they soon disbanded.

Mr. Doar argued with Thurgood Marshall to uphold the constitutionality of the 1965 Voting Rights Act in the U.S. Supreme Court. He successfully prosecuted the first civil rights criminal cases in Alabama and in Mississippi. He obtained convictions with the help of U.S. Attorney Robert Hauberg in federal court in Meridian against several people, including a deputy sheriff, who participated in killing the three civil rights workers, James Chaney, Andrew Goodman, and Michael Schwerner, in Neshoba County during Freedom Summer. (One of the co-conspirators, who was acquitted for the federal crime prosecuted by Mr. Doar because a juror later said she could never vote

to convict a preacher, was convicted in Neshoba County Circuit Court of manslaughter 41 years later.)

When Mr. Doar left the Justice Department, he became in-house counsel for a non-profit neighborhood development association in New York City. He returned to Washington, D.C.,



Doar walks James Meredith to class at the then segregated University of Mississippi.

in 1973 and served as Republican counsel to the House Judiciary Committee when it issued articles of impeachment against President Richard Nixon. He never wrote

about Watergate, and it is written that he never appeared on television in connection with any of the hearings.

Mr. Doar returned in 1974 to New York where he went into private law practice. He became one of the country's leading antitrust lawyers defending some of the largest businesses in the United States.

In 2012, Mr. Doar received the Presidential Medal of Freedom, the nation's highest civilian honor, along with several others, including the legendary singer-songwriter Bob Dylan, at the White House. The Wall Street Journal had a photograph of Dylan receiving the award above the fold on page one the day after the ceremony. The Clarion-Ledger, in one of its finest hours of civil-rights reporting, showed a quarter-page photo of the Lincoln Republican.

On November 11, 2014, one year after the U.S. Supreme Court struck down Section 5 of the 1965 Voting Rights Act and after the fiftieth anniversary of Freedom Summer had been discussed and memorialized for many months in Mississippi, Mr. Doar died of congestive heart failure surrounded by members of his family at his home in New York City. 📌

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### 2015 HOLIDAYS

January 1 <sup>st</sup> .....	New Year's Day
January 19 <sup>th</sup> .....	Robert E. Lee's & Dr. Martin Luther King, Jr.'s Birthdays
February 16 <sup>th</sup> .....	George Washington's Birthday
April 27 <sup>th</sup> .....	Confederate Memorial Day
May 25 <sup>th</sup> .....	National Memorial Day & Jefferson Davis's Birthday
July 4 <sup>th</sup> .....	Independence Day
September 7 <sup>th</sup> .....	Labor Day
November 11 <sup>th</sup> .....	Armistice or Veteran's Day
November 26 <sup>th</sup> .....	Thanksgiving Day
December 25 <sup>th</sup> .....	Christmas Day



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