

## **Norman Amaker Award Speech**

### **January 17, 2007**

#### **I. Introduction**

- A. Thanks to My family => Mom who inspired me, Husband who believed in me, Mentors (Judge Williams, Juanita Temple, Neil, Shawn) who believed in me
- B. Honored => My purpose as a law professor, as a person, has been to help improve the lives of others. Therefore, I am honored to receive this award of excellence that celebrates those who are truly committed to the service to others. I am honored to be mentioned in the same sentence as Norman Amaker; a formidable civil rights attorney, a selfless teacher and mentor, and a tireless advocate for the vulnerable.
- C. To paraphrase Dr. King, "All men and women have the capacity for greatness. Not for fame, but for greatness. Because greatness is achieved through serving others." By this measure, Norman Amaker was among the greatest of men because he was a living embodiment of the ideal of service. As Neil Williams noted, "without Norman's splendid example, without his mentoring, without his support, his sacrifice, his passion for justice, many practicing lawyers never would have received their law degrees, or had the opportunity to be law professors."
- D. Lecture => I would be remiss if I did not take this opportunity to honor Norman Amaker and Martin

Luther King by discussing their life's work and how it applies to today. Therefore, I will briefly discuss Norman's and Martin's work, apply them to the current state of America, and challenge you to be a better human being by continuing the fight for equality and increasing your service to the community.

## **II. Norman and Martin's Words/Works =>**

### **A. Nobel Peace Prize Lecture in 1964**

**Introduction =>** The most pressing problem confronting mankind today. Modern man has brought this whole world to an awe-inspiring threshold of the future. He has reached new and astonishing peaks of scientific success. He has produced machines that think and instruments that peer into the unfathomable ranges of interstellar space. He has built gigantic bridges to span the seas and gargantuan buildings to kiss the skies. His airplanes and spaceships have dwarfed distance, placed time in chains, and carved highways through the stratosphere. This is a dazzling picture of modern man's scientific and technological progress.

Yet, in spite of these spectacular strides in science and technology, and still unlimited ones to come, something basic is missing. There is a sort of poverty of the spirit, which stands in glaring contrast to our scientific and technological abundance. The richer we have become materially, the poorer we have become morally and spiritually. We have learned to fly the air like birds and swim the sea like fish, but we have not learned the simple art of living together as brothers.

This is the serious predicament. Enlarged material powers spell enlarged peril if there is not proportionate growth of the soul. This dilemma manifests itself into three larger problems: racial injustice, poverty and war.

**Racial Injustice** => He spoke of racial injustice from Jim Crow laws. Some significant strides have been made in the struggle to end the long night of racial injustice. In the United States we have witnessed the gradual demise of the system of racial segregation and the passage of the Civil Rights Act of 1963.

**Poverty** => Almost two-thirds of the peoples of the world go to bed hungry at night. They are undernourished, ill-housed, and shabbily clad. Many of them have no houses or beds to sleep in. Their only beds are the sidewalks of the cities and the dusty roads of the villages. Most of these poverty-stricken children of God have never seen a physician or a dentist.

The time has come for an all-out world war against poverty. The rich nations must use their vast resources of wealth to develop the underdeveloped, school the unschooled, and feed the unfed. Ultimately a great nation is a compassionate nation. No individual or nation can be great if it does not have a concern for "the least of these".

This problem of poverty is not only seen in the class division between the highly developed industrial nations

and the so-called underdeveloped nations; it is seen in the great economic gaps within the rich nations themselves. In the final analysis, the rich must not ignore the poor because both rich and poor are tied in a single garment of destiny. All life is interrelated, and all men are interdependent. The agony of the poor diminishes the rich, and the salvation of the poor enlarges the rich.

**War=>** A third great evil confronting our world is that of war. Recent events have vividly reminded us that nations are not reducing but rather increasing their arsenals of weapons. The best brains in the highly developed nations of the world are devoted to military technology. The proliferation of nuclear weapons has not been halted, in spite of the Limited Test Ban Treaty. So man's proneness to engage in war is still a fact. But wisdom born of experience should tell us that war is obsolete. There may have been a time when war served as a negative good by preventing the spread and growth of an evil force, but the destructive power of modern weapons eliminated even the possibility that war may serve as a negative good.

**Summary =>** All that I have said boils down to the point of affirming that mankind's survival is dependent upon man's ability to solve the problems of racial injustice, poverty, and war; the solution of these problems is in turn dependent upon man squaring his moral progress with his scientific progress, and learning the practical art of living in harmony.

### **III. Current State**

#### **A. Racial Injustice**

In 1964, Dr. Martin Luther King noted in his Nobel Lecture that even with the accomplishments of the civil rights movements, the problem of racial injustice was far from solved. The significant gains made during the civil rights movement were rolled back in the 1980s.

As Norman Amaker noted in his book, **CIVIL RIGHTS AND THE REAGAN ADMINISTRATION**, that the Reagan Administration eviscerated the civil rights protections in education, federally assisted programs, housing, employment, and voting. After systematically reviewing the Administration's civil rights record, he concluded "that the Administration's ideological opposition to the concept of affirmative action drove it consistently to under-enforce and undermine the purpose of civil rights laws, and thereby to betray the enacted will of the American people." The evisceration of civil rights protections has led to the continuation of racial injustice in the 21<sup>st</sup> century.

A lawsuit filed in 2005, alleges that in 2003 Tyson Foods, Inc. was responsible for maintaining a segregated bathroom and break room, reminiscent of the Jim Crow era, in its Ashland, Alabama chicken processing plant. Thirteen African-American employees filed a complaint alleging that a "Whites Only" sign and a padlock denied them access to a bathroom in the Ashland plant. The complaint stated that numerous white employees had keys to the bathroom that were not provided to African-American workers. The African-American employees' complaint also alleged that, after they complained about the segregated bathroom, the plant manager told them that the bathroom

had been locked because they were “dirty” and announced the closing of the break room. After African-Americans complained of the segregated facility, Tyson management subjected the African Americans to adverse employment actions, including suspensions and disciplinary write-ups, while maintaining the separate facilities.

According to the complaint, the same white employees who had keys to the “Whites Only” bathroom formed their own, private break room, using Tyson materials to construct the furniture. Initially, a locked door segregated the private break room. In 2005, locked cabinets and a locked refrigerator maintained a private break room. One of the plaintiff’s in the case said “when I was young, my mother used to tell me stories about segregated bathrooms, but “I never thought that her reality of seventy-one years ago would become my reality today.” In 2006, the company settled the suit agreeing to pay \$871,000 to the 13 plaintiffs.

Racial injustice is also seen in the health care arena. Racial inequities continue in health care. Studies also show that “relative to whites, African Americans are less likely to receive cardiac medications, surgery for glaucoma, and referral for cardiac catheterizations.”<sup>1</sup> African-American women have a higher rate of cervical cancer screening than White women, but have a higher death rate from cervical cancer than White women.<sup>2</sup> Thus, the issue for African-Americans is more than improving physical access to health care services, but really access to appropriate

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<sup>1</sup> FENNELL, *SUPRA* NOTE **ERROR! BOOKMARK NOT DEFINED.**, AT 175.

<sup>2</sup>American Cancer Society, *Cancer Facts and Figures for African Americans* 7-8, 17 (2005).

medical treatment procedures. The lack of access to health care services affects all ages of the population, especially the elderly. But how one may ask is this caused by racial injustice. Decades of studies show that some physicians fail to discuss viable treatment options with African Americans because they believe that African Americans are incapable of complying with the treatment or unable to afford the treatment. The study showed that some physicians believed these misconceptions even when the African American patient was highly educated and economically thriving. We are still losing the war against racial injustice.

### **B. Poverty**

The continuation of poverty in America since 1964 is quite clear. In fact, scholars note that the middle class is shrinking, as more Americans become part of the working poor. As an example of our failure to successfully win the war against poverty, I point to Hurricane Katrina. New Orleans and the surrounding region have long been home to some of the poorest children in the country. Over 13% of children in Louisiana live in extreme poverty and over 12% of children in Mississippi live in extreme poverty compared to a national average of 7%. By extreme poverty, I mean the children live in families with an income less than half of the federal poverty level, or \$9,675 for a family of four.

These were, and are, families left behind, physically trapped in areas of Louisiana, Mississippi, and Alabama because they also are trapped by poverty. They had no way out because they have few resources—cash, assets, credit

cards, bank accounts, cars, and more. Those who were poor in New Orleans commonly lacked their own means of transportation. Sixty-five percent of poor elderly households in New Orleans did not have a vehicle, making it more difficult for them to escape the storm and its effects. The Census data also confirm that African Americans made up a disproportionate share of the hurricane's victims. About one of every three people who lived in the areas hit hardest by the hurricane were African American. By contrast, one of every eight people in the nation is African American.

African Americans living in New Orleans were especially likely to be without a vehicle before the hurricane struck. More than one in three black households in New Orleans (35 percent) — and nearly three in five *poor* black households (59 percent) — lacked a vehicle. Among white non-Hispanic households in New Orleans, 15 percent lacked a vehicle.

Before Katrina, these families experienced hardship, hunger, and other circumstances that make it difficult for children to thrive.

The aftermath of Hurricane Katrina exposed glaring truths about poverty in America. Who could forget the pictures and newscasts from the New Orleans superdome and Barbara Bush's infamous words. Barbara Bush seemed to suggest a silver lining for the "underprivileged" forced from their flooded homes in New Orleans. "What I'm hearing, which is sort of scary, is they all want to stay in

Texas. " she said in a radio interview from the Astrodome in Houston, Texas." And so many of the people in the arena here, you know, were underprivileged anyway, so this is working very well for them," she said. Now many face far worse conditions. In 2007, these poor families still remain without adequate housing, cash, cars, bank accounts and assets. We are still losing the war against poverty.

### **C.War**

We continue to fight wars, such as the Iraq war, where the poor and minorities bear the greatest burden for the rest of our society with minimal benefit, I will not spend time on the subject but let me say that since winning the war in 2003, we continue to send troops and money to a support a campaign that has nothing to do with the our protection against terrorism. We are still losing the fight against war.

## **IV. Changing the World**

So how do we address the problems of racial injustice, poverty, and war, and square our moral progress with our scientific progress? As Mahatma Gandhi said, "You must be the change you wish to see in the world."

To fight racial injustice you must treat everyone equally, from the partner to the secretary, from the dean to your students. Regardless of their race, socioeconomic status, or veteran status. It takes more than that. It means putting an end to privilege due to family accomplishments, wealth, and nepotism. I challenge you to speak up for the racial injustice that you see or suffer.

To fight poverty you must serve your community, with and time. Poverty affects every facet of life. Thus, we must combat all the effects of poverty by providing monetary and emotional support to put an end to their poverty money and empowering the poor to change their lives. Without role models how can poor children strive to be more than poor? I challenge you to take one day out of every week to someone who is disadvantage.

To fight war you must restore the meaning of democracy and separation of powers. We must put an end to the ability of those in Washington to fight in wars that neither Congress nor the public support. In the meantime, I challenge you to support the troops. Not just with words, but with actions. Donate your time to offer legal advice to the families of active duty service members who have lost their house, car, or assets because some company sent there bills to collections, which is against the law? Send a letter to your Congressman or woman telling them to bring the troops home.

If we in this room commit to fulfilling these challenges then maybe just maybe we can win the fight against racial injustice, poverty, and war and achieve the moral progress Dr. Martin Luther King Jr. mentioned within my lifetime.