

# A REPLY TO THE PRESIDENT'S COLUMN

I am writing in reply to Matt Valerio's "President's Column," as published in the December, 2001, issue of the *Journal*.

Generally, during the twenty-four years that I have practiced law in Vermont, I have kept my opinions on political issues to myself, for fear of offending clients and potential clients in my community and because I do not want to create tension between myself and any of you, my fellow members of the Vermont Bar, if our views may differ.

But, I must say something in rebuttal to our Bar Association President's comments, lest my silence be construed as agreement. It is not just what he said. It is how he said it. Also, I suspect that there may be other lawyers out there who share my concerns.

Mr. Valerio offered the opinion that "lawyers and most everyone else do not seem to speak the same language." Well, that has not been my experience, at least not a habit I have developed, I hope. Over the years, I have had to explain to thousands of clients legal issues and probable results in their cases, but I think that I have been able to do so without confusing them too often or using language or ideas comprehensible only to attorneys. I know that this has been true for all of you as well.

And on those rare occasions when I have spoken out publicly in my community on issues that may be considered political in nature but which have components of human rights and civil liberties, I have tried to do so without projecting an air of superiority. Mr. Valerio told of an incident in which he gave a talk about civil liberties and an elderly gentleman, a World War II veteran, walked away, "as though he simply did not understand what I was talking about."

Let us remember that the veterans of World War II, like the veterans of the current war on terrorism, have done with their very lives what others profess to do by words alone: defend the Constitution. If we lawyers feel that we are speaking on a different plane than such people, perhaps we should look inward for a resolution of the problem.

As I write these words, and when Mr. Valerio wrote his, young men and women in uniform, a great many of whom were suddenly uprooted from the comfortable

lives that we continue to enjoy, are putting themselves in harm's way to defend our lives, liberties, and the happiness that we all seek.

I recognize that what I perceive to be ill-advised opinions may be opinions expressed in such a way that they can be misconstrued. However, I do take very strong exception to some of Mr. Valerio's other comments and these are not matters of interpretation or nuance. I will not let these comments stand without stating my firm disagreement.

He said that "the events of the last three months are but a dot on the page of history."

"Dot on the page of history?" We are speaking about a horrible and bloody attack that resulted in the slaughter of innocent human beings, their lives snuffed out by acts of absolute evil. I do not think that the average member of the public would like to read that the head of our professional association used these words to describe the events of September 11.

Grieving widows, children who kissed their mothers goodbye forever that morning, dead firefighters by the hundreds and other dead innocents by the thousands are not a "dot on the page of history." Such comments are not only historically wrong; they are incredibly insensitive and offensive.

The column also offers the view that there will be a time when "fear subsides and Osama bin 'what's his name' is just another name on a page in a history book."

I sincerely hope, for the sake of future generations, that this terrorist's name and what he did will be very well remembered. I do not think we will be saying "Osama bin what's his name," any more than we will be saying "Adolf who?" History demands that he be remembered along with Hitler, Stalin, Pol Pot, and all the other infamous, twisted men who wielded a scythe of death and bloodshed during their lives.

Osama bin Laden is not some comic-opera buffoon and it is not just a question of waiting for our "fears" to subside. In this case, we have more to fear than fear itself. So long as this man is at large, he will use any weapon he can to inflict the greatest possible harm. His supporters are

numerous and dedicated. Yes, of course, we will not wage war on these people and, in the process, scrap over two hundred years of constitutional safeguards. But, let us not be foolish. The risk is real and imminent and threatens all of us alike.

We should all continue to speak out, in a persuasive and constructive manner, about the importance of constitutional rights, balancing and tempering our remarks. Let us be wary of those who offer security at the price of the theft of our legal heritage of individual rights.

But let us not trivialize the horrible events of September 11 and their aftermath, and let us not desecrate the memories of those who were killed or wounded by saying that this is all just a "dot on the page of history," masterminded by a man whose name we will soon forget.

- LOUIS J. CATTANI, ESQ.  
Wells River, VT