



Remarks by Ed Kahn, upon receiving the Colorado Bar Association Award of Merit January 11, 2008

Honored guests, friends and ladies and gentlemen:

It is a very great honor to stand before you and receive this Award.

I am very pleased that the Award has not been made posthumously. I hope that it has not been made post-humorously.

My professional achievements would not have been possible with the great mentors I had early in my legal career, Bill McClearn, Warren Tomlinson, Pat Westfeldt and Mike Farley at Holland & Hart, my great colleagues for 30 years at Kelly Haglund Garnsey & Kahn, particularly Terry Kelly, Norm Haglund and Woody Garnsey, and my inspirational colleagues at the Colorado Center on Law and Policy, Maureen Farrell and Elisabeth Arenales.

My great muse and course corrector, my wife Cyndi Kahn, suggested that it might be more interesting for you if I were to tell you what led me to do the pro bono work I have done, rather than tell old war stories about the cases and other matters themselves, so bear with me while I do a little introspection.

Robert Fulghum wrote a book called, "All I really need to know I learned in kindergarten." I am afraid I was not so precocious. Instead, I think my professional life, and my of my long term outlook, was formed over three decades, the 1930s, the 1950s and the 1960s.

THE 1930s

I was born in 1938, just three years after my parents married, and two years after they left Nazi Germany for the United States. They left, among other reasons, because the good-hearted Christian Mayor of a small town in Southwestern Germany told this recently married couple that he could not guarantee their safety, for the hooligans were causing all kinds of trouble, and who knew how it might end. Well, now, and for more than 60 years, we have all known how it ended.

There are others in our profession who walked a similar path from Germany: Frank Plaut, Peter Ney, Peter Guthery and the late Peter Sussman, among others.

My early life was, I thought, uneventful and not unusual. Although I grew up in a predominantly middle class Jewish area of New York City, Rego Park (not Forest Hills), I personally felt safe and protected at all times. My heritage allowed me to view American culture both as insider and an outsider at the same time, a perspective I am sure has been shared frequently by all minorities and by many, if not all, women.

The 1950s

My family moved to Colorado Springs in 1952, when I was 14. It was then I learned first hand that not everyone in my high school classes was a liberal, and that the spectrum of political thought and social class was much broader than I had previously encountered.

When I entered the University of Colorado in 1954, it was the era of the "silent generation"—the generation of professors and others intimidated by McCarthyism. It was the era of conformity, of "The Man in the Gray Flannel Suit," and a time when women, but not men, were expected to observe parietal hours in college dorms. It was also a decade when the CIA began overthrowing democratically elected governments – in Iran in 1953 and in Guatemala in 1964, events which still reverberate in world affairs today. My reaction to CU was one of skepticism. The world was far from perfect, and those in power had caused wide damage to our society. The fact that the Barbie doll was invented in 1959 did nothing to change my view.

But, as you all know so well, the 50s was also the decade of *Brown v. Board of Education*, and was marked by the growing realization of white America to the injustices of a segregated society. In 1959 and 1960, I served in the US Air Force in Savannah, Georgia. It was commonplace to move from the fully integrated on base facilities, and its working and living arrangements, to the segregated living and working arrangements in Savannah. I was outraged by seeing segregation first-hand. The moral lesson was clear to all, and Eleanor Roosevelt, speaking to the UN 50 years ago, said it well:

"Where, after all, do universal rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world." (Remarks to the UN, March 27, 1958)

The 1960s

The 60s are remembered by many in many different ways. For me, it was the decade of my training as a lawyer at Harvard Law School and Holland & Hart, a period marked by the intensification of the civil rights revolution, of the great hope at the

beginning of the Presidency of John F. Kennedy, of the American War in Vietnam, of political assassinations at home, a fear that political dissent was being violently suppressed, and an opportunity to use my schooling as a lawyer in relation to what was before us. I want to talk a little more about how the 60s affected me.

I graduated from Harvard Law School in 1965 and came to work at Holland & Hart. I joined Young Democrats and the ACLU, and served on the initial board of directors of Colorado Rural Legal Services. One case I am sure I will never forget involved working with Denver Legal Aid to challenge residency requirements being imposed on recipients of welfare benefits. A federal district court had declared such residency requirements unconstitutional as burdening the right to travel. We wrote to the State Social Services Board, asking it to rescind the rule. Sixty days passed and nothing happened. I urged Legal Aid to add a claim for punitive damages against the Board members individually, to teach them a lesson. The Complaint was filed in early 1969 I think.

A few days later, Bill McClearn, had of the Litigation Department, came to my office. "Ed", he said, "we admire your aggressiveness and tenacity, but don't you think you may have overdone it suing Lorna Hart, Steve Hart's wife, for \$10 million dollars." On understanding what I had done, I had to agree. Unbelievably, I became a partner in the firm a bout a year later. Only tonight have I learned the real reason. Bill McClearn told me in the lobby, "I though Harvey Deutsch had filed that suit."

More seriously, however 1968, 40 years ago, is a year I can not forget, In April, Martin Luther King was assassinated. In June, Robert Kennedy was killed. For me, and for many others in my generation, I believe, there was at least one clear lesson to be drawn. To stand out in front, in liberal politics, was to court physical danger to oneself and one's family. Even though Cyndi and I did not yet have children, I personally vowed never to run for public office. I salute those who have, and those who occupy or have occupied public office, showing more courage than I.

Instead, I took a different path. I resolved to always try to have at least one pro bono case, or Bar Association matter, or public interest cause to work on. As I look back, I joined hundreds and thousands of others here in Colorado, and millions elsewhere, who responded (knowingly or unknowingly) top the words of Robert F. Kennedy:

"Few will have the greatness to bend history; but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of this generation...It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance."
(Capetown, South Africa June 6, 1966).

I have learned that justice involves three components: legal justice, social justice and economic justice. And I have learned that I must work, at least in part, in one or more of those areas, or strongly support those who do. I hope that those of you who have not yet learned this lesson will do so soon.

Thank you very, very much.