

January 2009

## An Iconic Social Activist

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### Recommended Citation

Mark S. Brodin. "An Iconic Social Activist" *BC Law Magazine* 18, no.1 (Fall/Winter 2009) Available at: [http://works.bepress.com/mark\\_brodin/18](http://works.bepress.com/mark_brodin/18)

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## SCHOLAR'S FORUM

## An Iconic Social Activist

by Professor Mark S. Brodin

**W**illiam P. Homans Jr., who was descended from two of Boston's most storied families that together had produced generations of illustrious surgeons, distinguished Harvard faculty, prosperous corporate lawyers, and prominent politicians, spent most of his

professional life in Boston's grimy criminal courts defending all manner of society's castoffs.

He did so with little or no recompense. Raised on a gentleman's farm, this courtly patrician became unlikely guru to Boston's progressive legal community and role model for the generation of activist lawyers that came of age in the 1960s. World War II combat veteran of both the British and American navies, Homans was also first-responder of choice for anti-Vietnam War demonstrators who would write his phone number on their hands, knowing they could call him for legal assistance day or night. Hardened inmates at the state's maximum-security prison enjoyed the company of this lifelong member of Harvard's ultra-exclusive Phoenix Club when he joined them as an "observer" during the tumultuous guards' strike of 1973.

Homans' story is deeply rooted in the New England tradition of social activism; his predecessors range from anti-slavery leaders William Lloyd Garrison and Wendell Phillips to NAACP founders Moorfield Storey and

W.E.B. DuBois to his own aunt Mary Peabody, arrested at age seventy-three while leading a civil rights protest in the South. Homans was, as the *Boston Globe* profiled him, "that kind of quirky maverick that the harsh soil of New England has nurtured since it bore abolitionists and transcendentalists." But it is also the tale of a man with the instinctive capacity to empathize with persons who had traveled quite different paths from his and to champion their causes as his own.

Having spent twenty-five years writing law review articles, treatises, and casebooks, I decided to switch gears and take on a project with a more historical focus. Telling the story of Homans' incredible life in *William P. Homans Jr.: A Life In Court* (Vandeplas Press, 2009) allowed me to explore larger narratives as well:

- The emergence of the Brahmin class, as Oliver Wendell Holmes Sr. named it. The early English inhabitants of Boston became a powerful elite who waged the ultimate contest for power and influence against the newer arrivals of the nineteenth and twentieth centuries.

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rience of migration tore families apart, and the specter of detention and deportation stressed parents and children alike. According to Kalina Brabeck, an assistant professor of counseling, educational leadership, and school psychology at Rhode Island College who served as a PDHRP co-principal investigator, it is not unusual for a family to take on serious debt to finance a family member's travel to the US. If that family member is deported before earning enough money to pay off the debt, an already poor family becomes further impoverished. "What's happening to families here is having an impact on families there," says Brabeck. "Families on the other side of the border suffer enormously."

That suffering is part of why Kanstroom established the PDHRP. "Professor Kanstroom has a humanitarian streak to him that makes him different," says Debra Brown Steinberg '79, who leaned heavily on Kanstroom in her successful quest to gain green card status for sixteen families whose loved ones perished on 9/11. "His commitment is not abstract; it is to the people. That makes him a great human being, not just a great professor and advocate."

One family that has certainly suffered is that of Eliza, whose one stumble in life led the US immigration system to drive a wedge between her and her children. Her case seemed hopeless—until the PDHRP took it on. Through dogged legal research and advocacy, the PDHRP won a rare instance of post-deportation legal relief: a single-entry tourist visa. Now, Eliza can regularly visit her children in the US, where she can meet their friends, see their school, know their teachers, and more fully be part of their lives.

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## Point of View

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rejection letters crash back in. One friend's resume was returned, unopened, with "Return to Sender" stamped on it. One of my rejection letters was somehow mailed to my mother's address; I guess they felt she could soften the blow.

And on top of that, students are getting hostile towards each other. I consider BC Law a very collegial environment, where people are always sharing notes or congratulating each other on various accomplishments. Although that is still mainly the case, OCLs brought out the claws and fangs. My friend happened to be one of

those lucky students who had multiple interviews and callbacks. As he walked by, whispers of "He has another interview—I hate him" escaped otherwise smiling faces. Let's be honest for a moment; we all hated him a little bit, but in a love-hate sort of way. Some people generalized, "I hate all 'suits.' Why are they hogging all of the interviews?" Others envied, "I wish I could be in a suit." Still more envied, but for other reasons, "I want to wear my suit. I spent so much money on it, and it looks sooo good on me." Some were "posers" and wore their suits despite not having any interviews. One of my friends was the single member of the "Pretend not to have an interview, so my friends won't be jealous" group; as soon as she was done with her interview, she rushed into the bathroom and changed back to her casual clothes. One thing was certain, most of us wished we were part of the "science background" group—the students interested in IP dominated the interviews.

Aside from the snarky behavior of the jealous-types, many students have banded together. There is an unspoken rule at social events: Do not mention the three-letter-word "JOB." Doing so will certainly ostracize the speaker and elicit groans and curses from the rest of the group. Those who do have jobs keep mum and often evade the question even if asked directly. And understandably. The "I have a job already" group is very small. Hey, it's lonely at the top.

Along with concerns about this summer, most students are worried about securing jobs after graduation. Will firms be hiring the haggard and beaten 3Ls next fall, or just the doe-eyed members of the Class of 2012? Will the "I have a job" group finally dominate? Will we ever be able to wear our suits?

Just in case, I'm keeping my iron at the ready.

## Scholar's Forum

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- The ferment on the Harvard campus during Homans' undergraduate years. In the late 1930s, the administration slowly severed its close ties to Nazi Germany, and the student body moved from isolationism to enthusiastic support for entry into the war to save Britain (Homans enlisted in the Royal Navy six months before Pearl Harbor).

- The stifling political and cultural repression of the "Haunted Fifties," as I. F. Stone dubbed the decade. During this time Homans served as Counsel to the Civil Liberties Union and handled several pivotal cases of the era.

- The efforts of the Nixon and Johnson administrations to use the conspiracy prosecution as the weapon of choice to disrupt and deter the growing anti-Vietnam War movement in the 1960s. Homans was on the defense team in the landmark "Boston Five" prosecution of Dr. Benjamin Spock, the Rev. William Sloane Coffin, and three other leaders of the draft resistance.

- The decades-long struggle to end the death penalty in Massachusetts. The effort finally succeeded with Homans' case of *Comm. v. O'Neal*.

- The evolving role of the criminal defense attorney over the past fifty years.

Homans stands in the line of great lawyers like John Adams, Salmon P. Chase, and Clarence Darrow, who, as Oliver Wendell Holmes Jr. put it, were willing to immerse themselves in the agonies of their times. But the narrative contrasts Homans' storied legal career with a very troubled personal life—including two failed marriages, self-destructive abuse of alcohol and tobacco, and egregious mismanagement of his finances—testifying to both the costs of such immersion as well as the strength of the human spirit when committed to the pursuit of the common good.

I knew Bill Homans slightly while I was in practice and we worked together on some matters, particularly the campaign against the restoration of the death penalty in the 1980s. He left behind little in the way of personal papers or correspondence, presenting a formidable challenge to any biographer of a deceased subject (1997). The written record of his life exists in the court files, briefs, transcripts, and decisions in the hundreds of cases he handled, as well as in newspaper accounts and magazine profiles. I relied extensively on interviews with family, friends, and associates.

At a time when trial lawyers and the larger profession are under attack from several quarters, the nobility of Homans' career stands as a salient reminder of the central role lawyers play in the political and moral progress of our democracy, as deToqueville observed nearly two hundred years ago.

## Faculty Profile

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in the woods with his son, accompanied by their dog Murphy, and sometimes by his wife Dana McSherry '04. He and his son have a goal of climbing all the 4,000-foot-plus peaks in New Hampshire by the time Liam goes to college. So far, they're on track, having conquered nine last summer.

—Jane Whitehead