

# here's a lawyer that you can respect

By Mark A. Porter

*Mark A. Porter is a partner in Alonzi, Porter & Associates, PLLC, in Pontiac, Michigan, and specializes in the representation of public safety employees. The firm's website is [www.lawfirm911.net](http://www.lawfirm911.net).*

**A**s a retired cop, and now full time attorney, I've always been aware of the tension and suspicion that exists between peace officers and lawyers. But allow me to tell you a short story about an attorney that you'll respect and admire.

Our story happened many years ago, when the British common law was stretching around the world. During the heat of a very "un"-civil war, an invading army had arrested a local doctor accusing him of betraying their wounded troops to the local population. The charges were false, however; the doctor had been impartial and scrupulous in upholding his oath to treat all of the wounded and sick without favor.

So the lawyer was recruited to go with another resident to see the military commanders, and to attempt negotiations for the doctor's release. The lawyer was diligent in his legal work, and before he left, he collected numerous affidavits from those patients that the doctor had treated. These sworn, signed affidavits included statements of support from many of the wounded soldiers from the opposing army. The lawyer hoped that the affidavits would convince the commanding officers that the Doctor was very much needed in his community - and not a threat to any army, regardless of its mission.

---

"Oh, say can you see,  
By the dawn's early light,  
What so proudly we  
hailed, By the twilight's  
last gleaming?"

- Francis Scott Key

---

The attorney and his companion traveled under a white flag, and crossed over the enemy lines, armed with only the affidavits. They were taken deep into the enemy's lines, and eventually the two were rowed out to an enemy ship to meet with the highest ranking officers.

As the sun moved towards the West, the negotiations began - and the lawyer earnestly reasoned with the enemy commanders. His careful preparation and groundwork proved to be successful. The enemy commanders were especially impressed by the production of the affidavits from their own soldiers. It was agreed that the good doctor would be released - but there was a catch.

Because twilight was approaching; and because a large battle was about to begin, the enemy commanders told the lawyer that he and his companion would not be able to take the doctor back home until after the enemy had won the engagement.

All eyes then turned to a fort that stood on a distant shore, some eight miles away from the ship where the lawyer stood. The successful capture of the fort would doom the other remaining forces on land; and the enemy army would have an easy time thereafter.

The bombardment began as twilight fell - a fearsome onslaught of nearly 1,500 exploding shells on top of, and inside the fort. The thundering explosions lit up the night sky with each detonation. Because the fort's own cannonry could not reach the five battleships, the enemy navy fired with impunity all night.

The lawyer lost sight of the fort through the thick clouds of exploding gun powder that drifted miles out to sea. He knew that as long as the battleships' cannons were firing, the fort had not surrendered. But how long could it hold out, under such a bombardment?

A silence finally descended over the water as the sun began to rise in the East. The lawyer stood by the side of the boat - and his eyes filled with tears as he saw that above the fort, a huge flag waved in the breeze. Not a white flag - but one with red and white stripes, and a blue corner. A huge flag it was some 30 by 42 feet in size; and though tattered, it still stood in stark defiance to the navy's onslaught.



The lawyer grabbed a pencil and began to write on the back of a letter that he had carried in his pocket:

*Oh, say can you see,  
By the dawn's early light,  
What so proudly we hailed,  
By the twilight's last gleaming?*

The lawyer, as you now know, was Francis Scott Key. And this lawyer's poem - written in haste and with burning patriotism - described the crucial turning point in the War of 1812.

Just 25-years after its independence, the United States and England were again at war. And two years later, with no other wars to fight, England turned its full fury upon the young and unprepared country. Only three weeks earlier, in August of 1814, the British had easily routed the Americans and then marched into Washington D.C. They burned the

White House and destroyed as many government documents as possible. The original Declaration of Independence and Constitution were only saved by rolling them up and hiding them in a farmhouse.

Now Fort McHenry and the city of Baltimore remained as the last American stronghold. Once they fell, the war would end with Britain's victory. And then?

But it was not to be - due to a stubborn and determined force of Americans inside Fort McHenry. And our lawyer on the scene, Francis Scott Key, captured it forever in his poem "The Defense of Fort McHenry."

We know that the poem was set to the music of an English tavern song, and became our official national anthem in 1931. There's a standing joke that the

last words are "Play Ball!" And yes, I also have trouble trying to "sing" the melody.

But reading the lyrics on paper brings back the enormous impact of that night in September, 1814. I have tremendous respect for Francis Scott Key because he volunteered to go on a dangerous mission armed with only a set of affidavits - a true display of moral courage. But I also appreciate the fact that he ends his vivid description with a question - as lawyers often do:

*Oh, say does that Star Spangled  
Banner yet wave,  
Over the land of the free, and the  
home of the brave?*

Each of us in our daily pursuits must demonstrate by our actions that the answer to that question will always be **"YES!"**

---