

# TO DEFEND OR NOT TO DEFEND

*By Sara Beth Bolin*



*"I'm going to tell you how to ruin a little boy forever."*

That's how Arthur Hanes, Jr. begins the story of his fascination with The University of Alabama. It started during homecoming of 1946, right after his father returned from World War II. His entire family had come to watch the homecoming parade, and at just 5 years old, he was enchanted by the band, cheerleaders and real bull elephants marching down University Boulevard, all sporting crimson and white. With tears in his eyes, he describes the traditional homecoming bonfire that lit the town up with spirit and captured him for life.

Hanes played football through high school, and after attempting (and failing) to persuade coach Paul "Bear" Bryant to let him play for Alabama, he went to school at Princeton. Eventually, he came back to Tuscaloosa for law school, where he was almost immediately thrown into the world of criminal law.

"Three Klu Klux Klansmen were accused of killing a civil rights worker from Detroit on the Selma to Montgomery march," Hanes said. "I was fixing to be a second-year law student. My dad called and said, 'These Klansmen have come, they want me to represent them. I'm not going to take the case unless you will join me in working on it, and we will commit ourselves to being lawyers, to representing people who need representation.'"

And from then on, Hanes represented some of the most controversial, infamous defendants of the 20th century. He and his father worked side-by-side to represent people no one else would represent, like James Earl Ray of the Martin Luther King, Jr. assassination.

"Thomas Jefferson once said that you judge a society not by how it treats its privileged, but how it treats its meanest wretch," said Hanes. "And we committed ourselves to doing that, not approving of what our clients did or who they were, but to represent people fairly, within the law and vigorously."

With Ray's case, that is exactly what they did. From day one, they argued Ray couldn't have done this alone, and that the bullet wasn't even from Ray's gun. Hanes knew the evidence from the case inside and out, even the exact location Ray would have had to be in order to kill Dr. King. He still has "defendant's exhibit one," or an overhead of the city block where the assassination occurred, hanging on his wall.

After this case was tried and through, Hanes didn't stop taking controversial cases. He defended "black panthers, klansmen, bombers and dopers," and even if he did not agree with their actions or beliefs, he represented them because he felt that's what the law required of him.

"Doing not only high-profile, but devastatingly unpopular cases is very difficult and they're not everybody's cup of tea," Hanes said. "A lot of lawyers can't do it. A lot of lawyers can't even understand why other lawyers do it. But if you are a little altruistic, if you have sort of a grand view of the Constitution and the way the law works, and if your mind is right in that, you can do it and do it well."

Many UA honors students weighed in on this ethical conundrum, and each had their own opinion about what they would do in Hanes's situation.

"I think it's commendable that he represents people that others' wouldn't," said Krymson Hammond, a sophomore Honors student majoring in math and interdisciplinary studies. "I don't think I could represent people like that from a moral standpoint, but at least someone is."

"It's a really complicated thing," said Elise Helton, an English major and Honors student. "I want to say that, no, I wouldn't be able to do that because it would be so difficult and I wouldn't be able to separate my emotions. But I've also read things that say you're saying you don't want to do the dirty work, you're not committed to the law, you're committed to your emotions."

It seemed that Hanes defended anyone and everyone throughout his tenure as a lawyer, from a suspected bomber of the United Nations General Assembly room to a top army sergeant accused of stealing from officers' clubs to the wives of circuit court judges. But everyone has their breaking point, and for Hanes, that was Robert Chambliss.

Chambliss was accused of bombing the 16th Street Baptist Church in 1963, killing four young girls in the

process. Initially, Hanes took the case and said that yes, Chambliss was a racist, mean old man, but there were 10,000 others just like him in Birmingham, so that doesn't mean he planted the bomb. However, this changed during the trial when Hanes told Chambliss to take the stand, and Chambliss refused.

"At that moment, his face shimmered with evil, and I knew right then, he was the most unrepentant, guilty person I had ever met," Hanes said. "And it was my epiphany because I knew from that moment forward, I could not bleed on council tables for the likes of that again."

From there, Hanes decided to take on the other side of the bench and try his hand at judging. And he fell in love.

"Nobody ever loved being judge more than I did," Hanes said. "Nearly every day, I'd go to sign something, and I'd pick up my pen and think 'be very careful, be very thoughtful,' because the judge can really wreak havoc if he doesn't know what he's doing, if he doesn't care what he's doing or if he has some agenda other than calling it straight."

Through his years of judging, Hanes dealt with many of the same kind of cases that he tried as a lawyer. As the circuit judge of the civil division for the 10th Judicial Circuit of Alabama, Hanes saw divorces and low-level crime, as well as felonies and more difficult cases that other judges would not take on.

While he was a judge, Hanes also came back to UA, teaching trial advocacy at the university's law school. Although he only taught for two years, it captured his heart in a way that distinguished it from his other work.

"I loved teaching," Hanes said. "If I could have afforded it, I would've spent my whole life on a college campus."

Hanes fought for justice, even for those who didn't deserve it in the eyes of the public, for the majority of his life. Whether it was leaving everything he had on the council table as a defending lawyer or signing sentences as a judge, Hanes left his mark on the Alabama court system.

"I have loved every moment of my life," Hanes said. "I'm awfully lucky. Life can be a lot of fun if you let it. It sure can."

*"If Thomas Jefferson was right, then representing the worst of us says something about the best of us."*