University of Michigan Law School
University of Michigan Law School Scholarship Repository

Other Publications | Faculty Scholarship

1988

Wade H. McCree, Jr.

David L. Chambers
University of Michigan Law School, dcham@umich.edu

Follow this and additional works at: http://repository.law.umich.edu/other

Part of the Biography Commons

Recommended Citation
Chambers, David L. "Wade H. McCree, Jr." Mich. L. Rev. 86, no. 2 (1987): 224-6.

This Speech is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Other Publications by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

WADE H. McCREE, JR.

David L. Chambers *

At Wade McCree's funeral service in Detroit, Otis Smith introduced the many people who spoke. Mr. Smith reminded us that, when Wade ceased to be Solicitor General, he had many offers from law firms in Washington and New York. Wade, he said, turned the offers down and chose to remain in public service. When Mr. Smith made this statement, my first thought was, "Wade didn't stay in public service. He became a law professor." After all, for so many of us teachers, life is a wonderful self-indulgence, the opportunity to read and write just what we please. But, of course, for Wade, teaching in law school became simply the next stage of a full career in public service. He viewed it as an opportunity to instill in young women and men the importance of taking seriously their lives as lawyers and public servants; as an opportunity to give advice to students; and as an opportunity to speak widely across the nation on issues of public importance.

Like many others, over the last six years I became a student of Wade's. Our offices were almost next to each other. "David, do you have just a minute?" he would ask as I passed his open door. And I would come in and continue my education. "I've just come back from Virginia," he would say — or "Washington" or "Kalamazoo." "I bring you greetings from your old student so-and-so. I also saw Judge *X*. He's looking a little tired." And then I'd hear about the judge and the judge's father and the judge's sister who was also a lawyer and about the judge's notable achievements. For me, the most powerful stories were of the older black judges and black lawyers, many of whom I had heard about for years and nearly all of whom Wade knew well, the revolutionaries (as Governor Williams called them at Wade's funeral) who opened opportunities for so many others, opportunities we are beginning to take for granted. Over the last few days, I have thought about Wade's stories and tried to remember some that Wade told about himself. In fact very few were about himself. Wade was a modest man about his own achievements.

Often when he returned from one of these trips, he'd say that he'd

* Professor, University of Michigan Law School. A.B. 1962, Princeton University; LL.B. 1965, Harvard University.

Professor Chambers delivered these remarks at the Memorial Service at the University of Michigan Law School. — Ed.

HeinOnline -- 86 Mich. L. Rev. 224 1987-1988

heard an interesting story that he and I might be able to use in the course we both taught. (For his six years here, Wade and I taught a course in the legal profession, sharing materials and lectures and ideas.) He'd then relate some story he'd heard and we'd talk about the problem the lawyer faced. One small story that I remember in particular Wade brought back from a trip to Tennessee, I think, on a visit to Fisk, his alma mater.

He'd met a lawyer from a firm in Tennessee, who had been retained by General Motors in the period before GM announced its decision to build the huge new Saturn plant down there. GM was buying land and options on land, but was doing it very quietly so that land prices wouldn't suddenly make a great leap. The lawyer was helping with the secret transactions. One morning, as this process was going on, the lawyer received a call from a woman he had represented for over twenty years, a widow who had little income but owned some land that GM might eventually want to buy. She said that she had just been offered a nice sum of money by some third person whom the lawyer knew to be a land speculator and she wanted to know whether she should accept. The lawyer knew that if she held onto the land for a year or so, it would likely be worth twice as much. Not surprisingly, he felt in a bind. He could not tell her why her land would be worth more without betraying the confidence of his other client, General Motors. He was worried about even telling her to hold onto the land without explaining why, for there were lots of rumors in the air and he feared feeding those rumors. On the other hand, not telling her to hold onto the land seemed to him a betrayal of an old trust she had long reposed in him.

Wade talked with me about the Tennessee story more than once. For a while I was puzzled why it so caught his fancy. The lawyer did face an uncomfortable situation, but it didn't seem to me any more uncomfortable, in fact somewhat less uncomfortable, than many of the ethical dilemmas that Wade and I had chatted about over the years. It took some time before it occurred to me that this small story captured two themes of central significance to Wade in his life. One was of loyalty, of the importance of keeping faith with individuals no matter how humble and with institutions no matter how large — you keep your commitments. Few situations would be experienced by him with greater pain than to be caught between conflicting loyalties. The other theme, closely related, was the importance of maintaining confidences, of honoring the trust that others place in us when we perform the role of lawyer or of judge. Wade was always extremely cautious in talking with me about the work he did as judge, as Solicitor General, and as

HeinOnline -- 86 Mich. L. Rev. 225 1987-1988

special master for the Supreme Court. I found it somewhat disappointing, even if admirable, that he was so discreet.

I learned a great deal from my conversations with Wade. What I learned were not ideas alone but an attitude and a tone to try to carry through life. He managed to see something praiseworthy in almost everyone he spoke about. He was almost never sarcastic, never cynical, never bitter, even though he had seen much in life to justify all those emotions. He had dignity without pretension, wielded authority without arrogance. We who are here — all of us who are lawyers — have much to learn from his example.

Among the confidences Wade kept were his own. In his last year, Wade went through much physical suffering and discomfort that, quite characteristically, he kept to himself. He did not want people's sympathies, let alone their pity. But there were limits to the discomfort he could suffer and I hope Dores will not object if I end with a story from the last weeks of Wade's life. Wade was in the hospital. He had not spoken at all for more than a day. A nurse came into his room and needed to move Wade into some position that caused great pain. As she worked, she chatted to him amiably. "Does this hurt, Judge McCree?" she asked rhetorically. Wade opened his eyes and looked at her. "You're damned right it hurts," he said and lapsed back into another day of silence.

Does it hurt to know, Wade, that you have gone? Does it hurt to know that you will not be coming back?

You're damned right it hurts.

HeinOnline -- 86 Mich. L. Rev. 226 1987-1988