



Paul O'Dwyer

Thomas Paine Never Died *



As Paul O'Dwyer's following speech explains, Thomas Paine led him to "the examined life."

The initiative and steadfast labors of the late Paul O'Dwyer led to the naming of Thomas Paine Park at Foley Square in 1977. Then City Council President, he was determined to find a public location in the City of New York to be named for the great patriot, author, political philosopher and humanitarian. He said that this place, across from the halls of justice, was a fitting place, where litigants and servants of the law could seek a few moments of comfort and refreshment under the trees. O'Dwyer was familiar with the need for comfort and refreshment, having served as a distinguished lawyer for a very long time. Without ever losing a civil liberties case, he defended many civil liberties and labor rights clients with huge success.

I REFLECT THAT IT IS MOST APPROPRIATE THAT A DISCUSSION OF THOMAS PAINE'S LIFE BE HELD ON THE PREMISES OF THE UNITED NATIONS, AN INSTITUTION SIMILAR TO THE ONE WHICH HE ADVOCATED NEARLY ONE HUNDRED AND SEVENTY YEARS BEFORE IT BECAME A REALITY.

Recently, the National Emergency Civil Liberties Committee presented me with its Thomas Paine Award. A friend, in a test of modesty, asked if I really believed I deserved it. I said that if the criterion was a deep commitment to the principles annunciated by Paine, I felt sure there were thousands of Paine admirers throughout the world who might be more deserving of the honor, but I felt if the coveted award was to be presented to the person whose quiet life was most rattled by the accounts of Tom Paine's life and whose mind was most disrupted by Paine's writings, I consider that I would have a fair chance leading the pack.

I came here from Ireland at the age of seventeen and a half, having already lived through the most recent Irish Rebellion, also known then as the Black and Tan War and carelessly referred to nowadays in Dublin as the "War of Independence," which left the country half free and all slave....The end of that conflict left me and other young people like me disappointed, frustrated, and embittered, and I felt betrayed as I left for the new land I knew little about. Furthermore, being too preoccupied by the recent Irish Rebellion, I was only dimly aware that there were then other armed struggles for freedom coming to a boil in other areas of the world. I knew little about the American Revolution, and I had never heard of Thomas Paine.

This was the state of my mind when my ship, the *Doric* of the White Star line, pulled into New York harbor with its "tempest tossed" cargo anxious to get inside "The Golden Door." New York and its bustle does not permit its citizens to wallow in self-pity, and soon the memory, the long frustrating struggle for freedom, was replaced with personal ambition and a kindling hope of a better life with security and the acknowledgment that here an immigrant, particularly an Irish immigrant, could make it and make it well. This immigrant found himself without effort to have the advantage over native-born American Negroes, Jews, Slavs, and Italians, but that was the way it was in America, and since it favored me, I found no fault with the system. Long gone and forgotten were the signs "No Irish Need Apply", and if the sentiment was applied to others, that was no skin off this Irish nose. Within the year I had finished my pre-law courses at Fordham University and was working on the waterfront in a union job and ready to pursue fame and fortune because that's what I felt one should do to be a good citizen of my new country. The system of poverty which afflicted Southern and Appalachian whites and the evaluation of the black population by their white fellow citizens everywhere gave me no qualms. I did get a temporary jolt when Professor O'Connor of Fordham told our class what a wonderful world it would be if the Catholic Church were the

temporal as well as spiritual ruler of the universe. I had some experience with the role of the Church in Ireland. Its hierarchy had come out squarely and vigorously and with all its power on the side of Empire during every bid for freedom that took place during the previous century.

Anyway, it did occur to me that there was a basic inconsistency in a "democratic" society which for a century and a half had preached equality and had simultaneously practiced rank discrimination and outright bigotry. If I thought at all, it was that an immigrant must be grateful for his blessings and that should be translated into fighting for his new country in time of distress and following the flag, joining the parade, and shouting for America. That was 1926 and, with homesickness on the wane, the world seemed bright and I felt no urge to rock the boat. But in history class I learned that slavery had existed in each of the British colonies and even the rebellious colonists held on to the degrading system even as the revered Declaration of Independence proclaimed that all men were created equal. Then, I don't know who (may have been a fellow student or may have been my brother Bill), gave me *The Age of Reason* and *Rights of Man*, and the placid acceptance of the *status quo*, contentment and peace of mind went out of my life forever. The windows of my mind flew open, which provided me with a new insight, clarified some muddled thinking which previously had held me ignorant and confused. I took to reading other Paine writings and after a while a new biography by Howard Fast and another by W.E. Woodward, who challenged some of Fast's contentions, and in the course of time other writers. As I read these volumes the words jumped out of the pages, challenging my most profound beliefs.

They jolted me out and away from the placid, comfortable life into which I was heading with all that it entailed. I know that traveling along the old route I would have joined the right clubs and would have accepted without question the wisdom of my elders who had already arrived or who were on their way up the

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** Excerpts, with a very few changes, from an audiotape made by Florence Stapleton at The United Nations Colloquium, "Visionaries of World Peace", December 10, 1987, to honor the 250th anniversary of Thomas Paine's birth, as well as International Human Rights Day. Ms. Stapleton was chief organizer of the colloquium. Other papers were by: Michael Foot, Ian Dyck, David Braff, Eric Foner, Charles Francisco, Bernard Vincent, Clive Phillipot, Sean Wilentz, David Henley, Robert Muller, Zofia Libiszowska. The Colloquium was sponsored by the University for Peace, UN, and the Peace Studies Unit of the Political and Security Council Affairs, UN, and the United Teilard Trust. A book was produced from the proceedings: "Thomas Paine: In Search of the Common Good", edited by Joyce Chumbley and Leo Zonneveld, 2009, Nottingham, England: Spokesman Books. Thomas Paine Friends helped finance the publication.*

political and financial ladders. More frequently now into my mind came the harrowing memory of an alien savage army ruthlessly demonstrating its power over me and my neighbors and my country, except that now I was coming to realize that the battle must be carried on at a thousand fronts. I now was aware that the disease was worldwide and it infected every corner of my new country, and my respect and admiration for Paine grew as I knew he conducted a lonely fight against slavery and risked his life in France as he opposed capital punishment as Louis faced the guillotine. In the course of time I concluded I could no longer follow certain American "heroes" even as I knew that expressing such an attitude would bring into question my loyalty to America and was likely to brand me unfaithful and ungrateful. But Paine made it clear what course I had to follow and a real emancipation of the soul had begun, and I was henceforth to march to a new drum and to quote another hero, "damn the consequences." Now there was no turning back.

So I found myself examining the "truths" that I had before accepted without question, and as time progressed from there on to the battle to contain the forces of the House Committee on Un-American activities. As a lawyer I knew that the American Bar Association was a powerful institution totally opposed to progress, so I joined and was promoted to leadership in the new liberal National Lawyers Guild. That brought no well-heeled clients to my door, and I charged that Tom Paine has been responsible for the destruction of my plan to seek an appointment to the prosecutor's office with all the promise it held for me, and to march me instead into a political career of a different sort which seldom got me public approval. Whenever I faltered or was tempted by the fleshpots, there was Paine on my shoulder crying shame.

So I went to Russia when *Glasnost* was not even a dream, and to Spain in the last days of Franco, and I joined the International Association of Democratic Lawyers, and fought the House Committee and the oppressive laws like literacy tests for voting, and it was Paine who drove me to Hazard, Kentucky with Phil Sipser [labor lawyer and political activist] to battle on the federal courts for fair play for striking coal miners, and to Mississippi to join in the battle for civil and voting rights, and to Northern Ireland where British courts had turned their backs on the *Magna Carta* and rejected the jury system, and to London to bear witness to the Birmingham Six travesty.

The problems created by my acquaintance with Tom Paine really crested when I got to City Hall after being elected President of the New York City Council. I thought that my election provided me with a good opportunity to create some sort of memorial someplace in the City and State in which he lived and died -- a marker that would commemorate the contribution that this magnificent world patriot had made to the City of New York and to the United States of America and incidentally to Ireland in 1798.

The response to my proposal left me with the conviction that Tom Paine had not really died. The experience reminded me of Joe Hill, who lost his life in the struggle for decency in the working place, and the song set to his memory. [Hill was executed by the state of Utah.]

I dreamed I saw Joe Hill last night
As plain, as plain could be.
I said, 'Joe Hill, you're ten years dead.'
'I never died,' said he.

And I also thought of President Theodore Roosevelt who never read Paine but who dubbed him "a filthy little atheist."

I wanted to get the West Side Highway called after Paine....[After that failed], but not daunted, I tried another Manhattan area...a small unnamed park around the swank Plaza Hotel...[That too failed], and explaining my predicament to Henry Steele Commager I was amazed that this legendary historian disapproved totally of my most recent effort. "Tom Paine would revolt at the idea of being in any way associated with the Plaza."

In my frustration I found myself confiding in a compatriot who like myself is an amateur historian. He was and is associated with the Parks Department and perforce he will remain nameless. He promised to help.....



My friend came through with the discovery that there was a spot in the oldest part of the City still unnamed. And so Thomas Paine Park was born, and I invited the City elders and the council members to be there to share in the dedication. Many of Paine's admirers were there, but of the City leaders only W. Bernard Richland, a native of Liverpool and the City's most erudite Corporation Counsel ever, was the one City official to appear at the ceremonies. So, there it is -- a square block with benches and trees and grass -- and it is officially dedicated to the memory of one of the world's most profound thinkers to whom all Americans, now, in the past and as long as this Republic stands, owe an everlasting debt of gratitude.

Six months ago (June 18, 1987), four thousand New Yorkers, dedicated to the protection of our rights, demonstrated in Thomas Paine Park across the street from the Prosecutor's office, the Federal Courts, and the Federal Correctional Institution, where Joe Doherty, who never offended the laws of the United States in any way, has been held without bail for five long years pending deportation to Northern Ireland, and the name Tom Paine was invoked by the speakers and the press, and I now believe that master historian, Henry Steele Commager, was right. Tom Paine will live forever, facing the Department of Justice and the Federal Prison to remind prosecutors and to remind judges who there preside that there once was a revolution here and that our forebears did make a big point of enacting a Bill of Rights. I was there on the speaker's platform because Tom Paine was on my shoulder urging me on. Since that day sixty years ago when I became acquainted with him in the pages of his writings he has never let me alone.

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