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D. Nick Caporale, a former Nebraska Supreme Court justice, served his country in the “Forgotten War” of Korea.

## Nebraska’s Lawyers Fought for Freedom

By Scott Polski  
 The Daily Record

**Nick Caporale,  
 U.S. Army Lieutenant**

When D. Nick Caporale was working for the Douglas County Health Department in the early '50s, he probably never suspected that 30 years later he'd wind up as a judge on the Nebraska Supreme Court.

“I had a degree in biology from the Municipal University of Omaha [now UNO]. The Army offered me a commission in the Medical Services Corps because of my professional experience with Douglas County.”

Caporale served as a U.S. Army lieutenant for 25 months, 1952 to 1954. He served in Korea as a medic and was assigned to Fort Carson, Colo., after the war ended.

He was awarded the Bronze

Star, “for improving the chain of evacuation of the wounded, I suppose,” he said. He was with the Medical Detachment for the Artillery. “We picked up the wounded and dealt with the aftermath.”

His commanding officer told him, “We’re doing great things on dirt floors, thanks to antibiotics.” Caporale said there were only two of those drugs at the time, and his CO predicted that the day would come when bacteria would evolve and render them ineffective.

While he dealt with horrific things during his time in Korea, “The Army really improved my life, although it came at the expense of terrible injuries and lives lost.”

Caporale’s worst day there came when he was crossing a bridge and noticed a sign dedicating it to three servicemen. One of

the names was 2<sup>nd</sup> Lt. David W. Connolly. It was his best friend and debate partner in Omaha, and he learned of his death that day. He has experienced survivor’s guilt since then, though he chooses not to think about the war most of the time. “It’s been called the Forgotten War, and I’m not so sure that isn’t a good thing. I don’t want to revisit it.”

He did revisit it, however, at the Korean War Memorial, saying “you really need to see it at night, when it is lit up.

“When soldiers were on patrol in the rice paddies on a moonlit night, the rippling water would give away their position. The memorial has polished granite and low plantings and at night, it appears to be water rippling. It’s very effective. And the statues’ vacant, half-scared looks on the soldiers’

faces captures them well.”

In the Army, the course of young Nick’s life began to change.

“The Army would take officers and make them serve as both prosecutors and defense counsel in ‘special courts-martial.’ These were the less serious matters, not really serious crimes.”

Despite not having any legal training or experience, Caporale found himself in the courtroom stateside handling cases. “They weren’t really too concerned about the defense side of these cases, so they put the less-experienced officers on the defense side. When you got more experience they’d move you over to the prosecution.

“But I thought that, as strange as that may sound, the Uniform Code of Military Justice had provisions protecting the rights of those accused before the *Miranda*

case spelled out similar protections for those accused of crimes in civilian courts. The officers investigating the cases had to tell the defendants that they didn't have to answer questions. But they also usually made sure that the investigators out-ranked the accused, since the whole culture of the military made it difficult for the person accused not to co-  
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operate. Those experiences in the Army led me to law school when I got home."

Caporale attended the University of Nebraska College of Law, using his benefits under the GI Bill. "The GI Bill was a great benefit. I was happy to be able to use it." While in law school, he served as an associate editor of the *Nebraska Law Review* and was elected to the Order of the Coif. He graduated *cum laude* in 1957.

For the next 20 years, Caporale practiced law primarily as a trial attorney in the private sector. He served as a Douglas County District Court judge in Omaha from July 1979 until February 1982 when he was appointed to the Nebraska Supreme Court.

When asked about any particular cases or trials that he recalled, Caporale replied, "I always thought that the case I was working on at the time was the most important. I know that's how my clients or the parties felt about it, and that's how I tried to handle my cases."

He served on the Nebraska Supreme Court with fellow law school classmate and friend, Norman Krivosha.

"I was in the first generation in my family to go to college. I remember at my swearing-in for the Supreme Court, a friend of mine remarked that where else but in America could a son of Italian immigrants be sworn in to serve as a judge by Krivosha, a descendent of Russian-Jews? That is just the greatest thing about this country."

Since retiring from the Supreme

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Court in 1998, Caporale has become "Of Counsel" to Baird Holm law firm in Omaha.

### Suzanne McNamara, Air Force Linguist

For Suzanne McNamara Veterans Day is a day that honors almost the entire family.

"My husband and I are both retired Air Force, my dad was a Navy vet, my older brothers are both vets, my oldest brother served in the Army in Vietnam, and my next older brother is a retired Navy corpsman and my daughter served in the Army in

Iraq." A family of zebras would be hard pressed to come up with as many stripes.

When asked what led her to enlist she thought for a moment and said, "Well, I wasn't afraid to go in, my brothers did it. I guess it was a little unusual for girls in 1980. But I was pretty sure I wasn't ready to really apply myself to college. I had a job as a records clerk for the police department, and really didn't see that as  
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Suzanne McNamara's family constitutes an 'army' of military service veterans.

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much of a future for me. The Cold War was still going on so I was getting calls from recruiters trying to hit their numbers, so it seemed like a way of moving on.”

Once she enlisted, McNamara served overseas in Germany, England and Japan. She was also stationed in the United States in Texas and did a stint in Maryland when she worked with the NSA (National Security Agency).

She worked as a Russian linguist in the Air Force: “The Cold War was going on and Russian was a language that was important to our security.”

She developed a long-term friendship with a colleague who eventually became her husband. “We were in language school at the same time and years later, as it often happened in our command, ran into each other at an overseas duty station and things progressed from there.”

During the Cold War, her job required her to listen, transcribe and analyze Soviet voice communications. “I always thought our job was harder than a Soviet counterpart. There was so much available in the United States via the nightly news or the newspapers. The Soviets were not as open in their society as we were in ours.”

McNamara stayed in the Air Force and eventually retired in January 2001.

“I stayed in because it paid well, better than anything else I could do without going to college. And it was challenging. I took courses while I was in the Air Force and finished my undergrad degree in my 20<sup>th</sup> year of service.”

After she retired McNamara and her family moved to Omaha and she enrolled in law school at Creighton University. Her daughter

joined the Army and also became a linguist, serving in Iraq.

“I began to see the parallel between my mom and myself, seeing a child go to war and then coming home and having to deal with Post Traumatic Stress Disorder. My older brother came back from Vietnam and had those issues. I spent a lot of time talking to my daughter, helping her deal with it all.”

After a few years working as a solo practitioner, the Berry Law Firm in Lincoln posted an opening for an attorney working specifically with veterans to help them obtain their veteran’s benefits.

Since McNamara began working with the firm in 2008, Berry Law has added an office in Omaha. One of the owners of the firm, John Berry, Jr., is active in the Army Reserves. It seemed like a good fit and McNamara jumped at it.

“It looked like a way I could make a contribution to veterans and I figured, ‘I took Administrative Law in law school...I can do this.’ And I was working as an associate, so it took away the stress of running my own office. I was happy to be part of a firm and no longer responsible for managing a practice.”

In her practice, McNamara specializes and limits her practice to helping veterans obtain their benefits through the administrative process at the Department of Veterans Affairs.

“In terms of expanding my reach, I envision offering my assistance in the area of services within and to the community, not so much in the area of actual law practice. I like to be involved in community projects. I served on the board of a veterans group called ‘Grace After Fire,’ a sup-

port group for vets to help them help themselves. It’s primarily directed to veterans who are women. Grace After Fire refers vets to services and support groups, not so much as a provider of service, but a place to help them find the services. The goal is empowerment. Their motto is ‘We serve to protect the veteran, connect the resource and renew the woman.’ It’s a goal and mission I support.”

### Tim Kielty ‘Called to Serve’

Graduating from college during the Vietnam war was a stressful situation. But when Tim Kielty received his degree from George Washington University in 1968 and had a chance to go back to Washington, D.C., and work in the Pentagon it seemed like a pretty good option. At the end of Officer Candidate School he had the choice to complete officer training or take the position at the Pentagon.

For several months he worked at Army Headquarters and then he volunteered to go to Vietnam. “I was to investigate Congressional inquiries. I had to travel throughout the southern half of South Vietnam. I got into some situations that could have resulted in serious danger. I was very fearful when I first went over. But over the course of several weeks that goes away, because the danger is there, it’s just part of your life everyday.”

After his year in Vietnam was over Kielty returned to the U.S. and found that there was a war still going on.

“When I was leaving Vietnam, I expected to feel great. ‘Hey, this is great, I’m going home,’ but it wasn’t like that.”

His trip back to Omaha routed Kielty through California and he flew from the San Francisco air-

port. “When we arrived at the airport, I was surprised at the way the GIs were treated. I was stunned.”

Kielty wasn’t expecting a parade or a hero’s welcome. “Several people were holding banners saying ‘warmongers’ or ‘baby killers.’ Sometimes they would shout obscenities at GIs. I couldn’t believe it. We went over to Vietnam because we were called by our country to go. We didn’t have much choice. But we went, and then to get called names like that ...”

That incident caused confusion in Kielty, who almost felt embarrassed to be a GI. In order to avoid being attacked and called names, Kielty removed his uniform jacket, hiding his medals, including the Bronze Star he earned for his service in Vietnam, and the Army insignia.

Once he got home, Kielty began trying to piece his life back together after the war. “I started law school 10 days after I got back from Vietnam. But I wasn’t functioning well,” Kielty recalled. “I didn’t do well in my classes, so I left law school.”

A few years later Kielty went back and got a masters degree at UNO and, eventually, went back to law school and graduated from University of Nebraska College of Law in 1978. He began a successful practice as a litigator, primarily handling civil cases and family law matters. But despite his professional success as an attorney, the past was still present.

“Some guys have not been able to readjust, and we need to do what we can to help them out. When people go through the trauma of war, one of the effects is that they tend to withdraw, they don’t want to express their feelings about See NEBRASKA LAWYERS, page 4



**Tim Kielty earned a Bronze Star for his work in the Army in Vietnam. This year, he was honored as Boss of the Year by the Omaha Legal Professionals Association.**

prosecutors for the military when conducting courts-martial. In the United States military, JAG officers are charged with both the defense and prosecution of military law as provided in the Uniform Code of Military Justice.

She gained experience handling and working with cases in both general courts-martial, military courts that handle the most serious of violations, including felony criminal matters, and special courts-martial, those that handle less serious matters. Paul advanced steadily in her career and in July 2003 was assigned to be West Region Military Judge, based at Travis Air Force Base, CA. Early in 2008, Paul was ap-

pointed the Presiding Officer of Ibrahim Ahmed Mahmoud Al Qosi's military commission.

Al Qosi was the first Guantanamo detainee to face charges before the commission. The case was also one of the first of its kind involving a military commission since WWII. Procedural matters and many motions on issues that were new to this type of proceeding made the process a slow one.

"The rules for military courts are nearly identical to civilian rules, including the rules of evidence. But this was a very important matter, so things took time." There was an emphasis on making sure the case was handled cor-

rectly. The case progressed to sentencing in October 2010, nearly a year and a half after the first hearing on the matter.

"I still follow the commission, try to keep up with what's going on," Paul said.

Paul retired from the Air Force in 2010 following the conclusion of the Al Qosi case.

"I enjoyed my job. But I'm retired. I'll probably stay retired. I enjoy giving back to the community. I think I volunteer more time than I worked before I retired. But if the right opportunity came along, who knows?"

Additional reporting by:

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