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REMARKS ON RECEIVING THE ROBERT F. DRINAN AWARD

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I begin by thanking the Section of Individual Rights & Responsibilities for presenting me with the Robert F. Drinan Award. I thank ABA President Tommy Wells and President-Elect Carolyn Lamm for their gracious introductory comments. I thank Section Chair, and good friend, Neal Sonnet for his kind words in presenting me with the Award; and I thank each of you for being here this evening.

I feel especially honored to receive the Drinan Award because Robert Drinan and I had a warm friendship that spanned four decades. He was Dean of Boston College Law School when I matriculated in 1969. Years later it was he, as IRR Section Chair, who urged me to get involved in the work of this great Section; and he was the first who gently and, since I was not responsive, often prodded me to think of being president of the ABA.

During all those years, he was a mentor and good friend, a constant source of support, and of moral strength, and one on whose judgment I could always depend. Very simply, Bob Drinan was and is a hero to me.

The ABA Board of Governors, at the Section Council's request that an award be named for Father Drinan, created the Award during my year as Section Chair. I fondly recall presenting the Award to Father Drinan at the inaugural of this event, and the great warmth that enveloped him from all who were there. I am honored and humbled to be considered in his company, and that of all eight prior recipients of the Award, because I have so much respect and admiration for each of them: Robert Drinan, John Pickering, John Curtin, Jerry Shestack, Cruz Reynoso, Marna Tucker, Sandy D'Allemberte and Martha Barnett. That is an impressive group of lawyers.

During the past forty-three years the Section has been the conscience of the American Bar Association and of the legal profession. It has been not only the originator of cutting-edge legal ideas but also the primary mover and the legal and moral force behind policies and programs that have had a profound impact on the rights and liberties of everyone in America.

Since its beginning in 1966, despite its modest size and resources, countless IRR members have greatly influenced the ABA's direction and values through service in the Section, in the ABA House of Delegates, and in other ABA leadership positions. In the last decade our small section has produced three ABA presidents, and I look forward to the next one soon.

IRR is perhaps the most prolific and successful policy-generating entity within the ABA. Of approximately 250 Section-sponsored policy recommendations brought to a vote in the House of Delegates, some 230—more than 90 percent—have been approved. In the last fifteen years the Section has not lost a single House vote, even on such challenging issues as the call for a death penalty moratorium, continuation of affirmative action, and due process rights for all in this post-9/11 world.

The policies adopted cover a broad range of issues, but they all have one thing in common: the Section's steadfast commitment of promoting equality for all under the law, and its insistence on adherence by *everyone* -- including the President of the United States and all government officials -- to the Rule of Law.

At the core of the Section's accomplishments are its members – you in this room and our colleagues throughout the US – who bring extraordinary caring and a broad range of expertise in protecting and advancing rights and liberties, and in addressing concerns that are specific to elder citizens; people of color; children; immigrants; people with disabilities; women; and gay, lesbian, bisexual, and trans-gender people in the criminal and civil justice systems.

The Founders of our country wisely recognized that each of us, at some point in life, is likely to find ourselves in the minority—of opinion, of political affiliation, of religion, of race, ethnicity, gender or other factor. The Founders therefore designed the Constitution to protect the rights of the minority.

IRR works to protect the Constitution, and the rights that it guarantees.

In my first remarks as ABA president to the members of the ABA House of Delegates in 2005, midway through these past eight troubled years that have witnessed unprecedented and dangerous violations of rights, I said this:

*The lawyers who have been responsible for monumental change in America did not assume that someone else would bear the burden; that someone else would advance civil rights; that someone else would uphold the rule of law; that someone else would protect our freedoms.*

*Instead, those lawyers knew that what they did not value, would not be valued; what they did not change, would not be changed; and what they did not do, would remain undone.*

*In this momentous time for our profession and our country, America's lawyers must again answer the call.*

For decades, but particularly during the past eight years, the lawyers of this Section *have* answered the call -- confronting and standing up to unprecedented governmental misconduct in order to protect people's rights. Whether in response to the Bush administration's program of secret spying on citizens, its mistreatment of enemy combatants, its torture of human beings, its denial of *habeas corpus* rights and judicial hearings to those incarcerated without charges, its disdain for the separation of powers doctrine, its abuse of presidential signing statements, or its denial of due process and access to criminal and civil justice, to name only several examples of a much longer list, lawyers have answered the call.

With the election of a new president and administration, these eight years of darkness have come to an end. Hope, joy and optimism fill the air. But we cannot take anything for granted. Lawyers must continue to answer the call. This Section must continue to be vigilant. Hopefully, instead of working hard to prevent misguided policies, our work now will be to help shape fair and just policies and programs that protect, not destroy, rights and freedoms.

I conclude with words spoken by Robert Drinan in the House of Delegates upon receiving the ABA's highest recognition, the ABA Medal, words that I believe define the mission of this Section and its members. He said:

*The core purpose of the ABA is to emphasize the rule of law, the dignity of every human being, the preciousness of international human rights, and the sacredness of the law of which we are all ministers.*

*Our sacred mission in the world was described 2000 years before Christ, in the opening paragraph of the first written code of law in the world. The message of Hammurabi: the purpose of the law is to protect the powerless from the powerful.*

That is the purpose of this Section. That is what you do. It is the purpose that brings us together, and that binds us together.

You and I know that our work will not be finished in our lifetime; and that perhaps it will never be finished. But you and I also know that we cannot rest until our work is done.

Thank you again for this great honor, and for your kind attention.