

DRINAN AWARD ACCEPTANCE SPEECH

by Robert N. Weiner

Thank you, Wendy, for that generous introduction. After that, I'm anxious to hear what I have to say. And thank you and CRSJ for this award and for all that you do..

I am grateful that members of my family are here--Wendy introduced them earlier. They live in Houston and San Antonio, so no doubt they were glad to leave the State and come here to Austin.

My wife Cheryl, my rock, is here, too. It's amazing that the person who knows me best stuck around anyway, for nearly 43 years. She gave me very good advice for this speech. She said, "Don't try to be charming or funny. Just be yourself."

My daughters and sons-in-law would have loved to attend, but they both have toddlers. And, Lord knows, there are not enough two-year-olds in Washington.

And my 99 year old mother wanted to be here, but, well, she's 99.

I grew up, as you heard, 70 miles from here in San Antonio. My mother—a very spirited British War bride who lived through German bombing raids—and my father—from Nebraska, the straightest of the straight shooters—taught me to stand up for what I believed in, except, of course, when they disagreed.

A half-British, half-Nebraskan Jewish kid growing up in San Antonio in the 1950s and 60s was a bit of a stranger in a strange land. My public high school had an integrated student body and segregated classrooms. And talk about a fuse for high school insecurities, it also had selective social clubs. The elite one had no blacks and one Jew—needless to say, I was not it. I cannot know what it is like to be the victim of systemic racial discrimination, but that small taste of exclusion was sufficient to make me a zealous advocate of civil rights.

And then I read “To Kill a Mockingbird,” which made law school inevitable. Well, that plus what charitably might be called my adversarial temperament.

My luckiest break as a young lawyer was landing a clerkship with Thurgood Marshall. He had a pet name for each of the clerks—knucklehead. None of us was quite sure whether it was affectionate or derisive, or he just couldn’t remember our names. Justice Marshall would come into the clerks’ anteroom, plop down in a big easy chair, and for hours tell stories of his days in the civil rights movement. That meant I would be at the office late into the night to catch up on my work. But the stories were the best part. They were about inhumanity and vicious racism, about sacrifice and courage and close brushes with death. Yet they were always humorous. And they stirred the idealism of a young lawyer

That idealism did not die, but in the ensuing years, the daily grind of private practice and raising kids submerged it—until January 1993, when Justice Marshal

passed away. He lay in state at the Supreme Court, and the former law clerks stood vigil, as thousands and thousands of people filed by. People from all walks of life, all races, all economic levels. Watching this scene, and looking back on my time with Justice Marshall, it hit me, like a punch in the gut, that the idealistic law clerk of 15 years before would be disappointed in the lawyer standing there now.

And so, I vowed to try to make a difference. Not on the scale of Justice Marshall, of course. And not like the full time public interest lawyers, who are the heroes of our profession. I was not able to do that. But I wanted somehow to make things better for the least fortunate among us, to realize the moral potential of the practice of law. That led me to pro bono work, to government service, and ultimately, to the Section on Civil Rights and Social Justice.

Bob Drinan was a Chair of the Section, back when it was called IR&R. And who could speak with more authority about the moral responsibilities of lawyers? In 1997, he said that lawyers were critical to achieving “what America aspires to be” and in “carving the future moral path of the law.” He was right, because what makes this country exceptional is that it is not bound together by ethnicity, like Japan, or language, like France, or history, like the UK. This country was founded on ideas, equality under the law and liberty, fundamental components of the rule of law. And although we have fallen short from the very beginning, those ideas still bind us together.

You may remember the novel, *A Tale of Two Cities*. It begins, “It was the best of times. It was the worst of times.” For lawyers, these are in some ways the worst of times because we are the guardians of the rule of law, and it is in jeopardy, more so than it has been in my life—which is a very long time. We have a President who encouraged a foreign country to help him in the last election and who tried to strong-arm another country to help him in the one coming up. Who barred entry of immigrants into the U.S. based on their religion, forcibly split up immigrant families and put children in cages, who called the FBI scum and convicted felons great people, attacked federal judges, who publicly advocated criminal prosecution of his political opponents, and who treats the Justice Department as his personal instrument of political retribution and reward. This list is nowhere near complete, and we are nowhere near the bottom. But such conduct, aided by people who know better, undermines the rule of law. That is very dangerous, because if we erode that unique and fundamental bond, there may not be much left to counteract the forces pulling this Nation apart.

Yet—and this will surprise my wife, who describes me as a glass three-quarters empty kind of guy—I also think it is a great time to be a lawyer. And for the same reason: we are the guardians of the rule of law. It is in trouble, and we are the first responders. This is our opportunity to make a difference, to apply our

skill and judgment to preserving our democratic system and values. This is our duty, and it is our time.

In an article celebrating the 20th Anniversary of the Section, Father Drinan stated that,

“The American Bar Association was established for many purposes, but surely one of its most important objectives is its role in safeguarding those basic rights and freedoms which are the priceless treasure of Anglo-American law. . . The Section of Individual Rights and Responsibilities has been the foremost agency within the ABA [advancing that purpose.]”

More than three decades later, safeguarding our freedoms is *still* one of the ABA’s most important objectives, and the Section is *still* the principal ABA entity carrying out the responsibilities in this area. It has done so with passion and skill. It has been the conscience of the ABA, helping, pushing the ABA to lead the defense of the rule of law.

That is why I treasured the opportunity to chair the Section. It is why I admire and respect the work of my successors. And it is why I am so deeply, deeply honored to receive this award.

Thank you.