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## In Memoriam - Robert F. Drinan, S.J., 1920-2007

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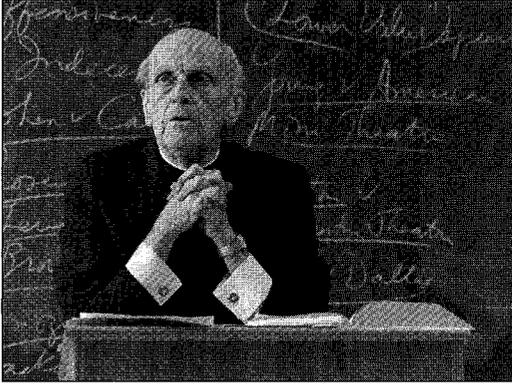
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## ***In Memoriam*—Robert F. Drinan, S.J. 1920–2007**

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SANFORD N. KATZ\*

When Father Robert F. Drinan, S.J., died on January 28, 2007, at the age of eighty-six, a powerful voice for social justice and international human rights was stilled. But the words and the spirit that he brought to all of us over the years will resonate through the lives of those he touched. I was one of those lives, and I am forever in his debt.

Exactly forty years ago, Father Drinan was the chairman of the ABA Section of Family Law and the founding editor in chief of this journal. In its inaugural issue, Volume I, Number 1, March 1967, Father Drinan wrote:

When the Section of Family Law was established in 1958, the leaders of the American Bar Association referred to the new Section as “the conscience of the bar.” The officers of the section have frequently recalled that characterization of their work and have sought faithfully to fulfill it. At the same time the officers and Council members of the Section have successfully brought the practicing attorney information and counsel designed to increase his professional competence in all legal matters related to the formation, preservation and dissolution of the contract of marriage.

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\* Darald and Juliet Libby Professor of Law at Boston College Law School. He served as Chairman of the Family Law Section of the American Bar Association from 1980-81 and Editor-in-Chief of the *Family Law Quarterly* from 1970–83.

The content and purposes of the *Family Law Quarterly* will be open-ended; the *Quarterly* will always be ready to discuss new issues and explore all subjects touching on the law of domestic relations. The *Quarterly* will therefore concern itself not merely with those questions which are now clearly in the domain of family law (e.g., alimony, adoption, divorce) but will publish significant material about topics with which lawyers handling domestic relations should be familiar—as for example, the role of marriage counseling, the rights of children who do not live with both parents (a group which includes every ninth child in America) and the various proposals concerning a change in America's laws regulating abortion.

The *Family Law Quarterly* has lived up to Father Drinan's expectations and has become the most important American journal devoted to family law. It has published seminal articles in the field because family law scholars have recognized that if they want their work to influence decision-makers, the *Family Law Quarterly* has the most impact. One has only to read the leading family law cases decided by state supreme courts in the past forty years to see the number of times a *Quarterly* article is cited.

While Father Drinan was chairman of the Section of Family Law, he was also dean of Boston College Law School. In that role, he was instrumental in broadening the student body and faculty to move beyond the New England states. To attract a more diverse and national student body, he instituted scholarships. He reached out throughout the country to locate talented men and women to join the Boston College Law School faculty who would strengthen the law school's reputation by publishing scholarly articles while maintaining its excellence in teaching. He was instrumental in establishing a law review and a legal aid clinic. His enormous accomplishments were made while still maintaining the Jesuit mission of achieving excellence while promoting social justice by serving others. In addition, he helped to instill in each member of the law faculty, whether a member of his faith or not, the Jesuit ideal of educating the whole person. That translated into developing a sense of community, one in which faculty members were encouraged to reach out to students and help them in not only understanding the law, but also by assisting them in charting their careers. He believed that lawyers were the moral architects of the nation. It was no wonder that at both of Father Drinan's funerals, one in Washington, D.C., and the other on the campus of Boston College in Chestnut Hill, Massachusetts, that past and present students and colleagues filled the pews.

Father Drinan was born in the Roslindale section of Boston, Massachusetts, on November 15, 1920. He received his undergraduate degree from Boston College in 1942 and in the same year entered the Society of Jesus. He attended Georgetown Law Center, where he received

his LL.B. degree in 1949 and his LL.M. degree in 1950. Following his Georgetown legal education, he resumed his theology studies, first at Weston College in Cambridge, Massachusetts, where he was ordained a Jesuit priest in 1953, and then in Florence, Italy. He joined the Boston College Law School faculty in 1955, becoming the assistant dean in 1955, and dean in 1956. Two years later he took his final vows.

While dean of Boston College Law School, he gained a national reputation as a leading spokesman on civil rights. It was in 1970 and during the Vietnam War that a group of peace activists in Newton, Massachusetts, approached Father Drinan and urged him to run as a Democratic candidate for the United States House of Representatives where he would represent the Third Congressional District. He was reluctant at first, but was later persuaded that as a congressman he could be more effective than as a private citizen in ending the Vietnam War. He agreed to run. With permission from his superiors in the Society of Jesus, he entered a hotly contested primary race, which included John Kerry and an incumbent who, if elected, was slated to hold an important committee chairmanship in the House of Representatives. Father Drinan won the Democratic nomination and in the general election was elected to Congress, making him the first Roman Catholic priest to be elected a voting member of Congress and to serve five terms. While Father Drinan was a member of Congress, he was chairman of the Subcommittee on Criminal Justice, and in that capacity was instrumental in reforming the federal criminal law. He also worked on many domestic matters that furthered civil rights. On the international level, he was a great friend of Israel. He was particularly active in supporting programs that helped Jews who were discriminated against in the Soviet Union to emigrate to Israel and to the United States. It was Father Drinan who was instrumental in gaining the freedom of Anatoly Sharansky, who spent eight years in a Siberian labor camp, so that he could emigrate to Israel. He was a powerful voice against antisemitism. In addition, he was on the Watergate Committee. But he will be remembered most for his moral leadership in his opposition to the Vietnam War and the secret bombing of Cambodia. He spoke and wrote on the immorality of the war, claiming that President Nixon's concealment of massive bombing was an impeachable offense. It was Father Drinan who sponsored a Congressional Resolution of Impeachment of President Richard M. Nixon for conducting a secret war. And it was only on a technicality that the injunction he brought against President Nixon in the federal district court in Massachusetts to halt the bombing was dismissed.

Father Drinan's service to his district and to his country was cut short in 1980, after having been elected five times and serving ten years, when

Pope John Paul II ordered him to give up his congressional seat or resign from the Society of Jesus. The Pope felt that holding elective office and being a Jesuit priest were inconsistent. Father Drinan chose to remain a priest, which was his calling. Thus, a magnificent congressional career ended. Father Drinan was a moralist who believed deeply in his religion, yet he respected other people's moral values. He did not believe that the coercive power of the government should be used to impose his or anyone else's personal moral code on others. What guided his path was the principle, learned from a commitment to his religious life, that all human beings owe each other the duty of respect and dignity. In ten years he accomplished what many members of Congress fail to do in twice his tenure: he made a difference, being considered "the conscience of the Congress."

After Father Drinan left Congress in 1981, at age sixty-one and still a Jesuit priest, one chapter of his life came to an end, but another was to begin. He joined the law faculty at Georgetown University Law Center and taught there until a sudden and brief illness ended his life. While a law professor, he continued his passion for advancing racial and gender equality by assuming leadership positions in Americans for Democratic Action and the NAACP Legal Defense and Education Fund. His tenure as a congressman had provided him with the opportunity to confront the violations of civil rights in other parts of the world. The new chapter of his life would involve promoting international human rights. To that end, he served on the board of directors of the International League for Human Rights, the Lawyers Committee for International Human Rights, the Council for a Livable World Educational Fund, and the International Labor Rights Fund. He was committed to trying to make the world we live in not only better and safer for ourselves, but for generations to come. He was passionate in his belief in the dignity of all human beings. He was particularly active in speaking and writing about the need to control the proliferation of nuclear weapons and to reduce hunger. Only weeks before he died, he spoke out for the children of Darfur and Katrina and appealed for governmental action. He criticized the administration's "war on terrorism," believing that it was threatening civil liberties nationally and human rights internationally.

Father Drinan was a man of action with enormous energy. In addition he was a scholar and the author of eleven books, the most recent was: *Can God & Caesar Coexist?: Balancing Religious Freedom and International Law* (Yale University Press, 2004). At his death he was completing another book on the rights of children under international law. In 2004, the American Bar Association awarded Father Drinan the American Bar

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Association Medal, its highest honor. That both Georgetown University and Brandeis University were among the twenty-two universities that awarded Father Drinan honorary degrees reflects the ecumenical nature of the man. During the 2006–2007 academic year, both Boston College Law School and Georgetown Law Center named chairs in his honor.

At Father Drinan’s funeral mass in Chestnut Hill on February 3, 2007, his brother Jesuit, Rev. William McInnes, S.J., said that Father Drinan “challenges us, especially those who share his professional passion for the law, to view the law as an instrument for justice and human rights, especially for the poor. He challenges us all not to be afraid to go down new paths and open new doors in the service of our neighbor.” He closed his beautiful homily with a quotation from Emily Dickinson:

By a departing light we see acuter than by a wick that stays.  
There is something in the flight that clarifies the sight.