

“*Erant gigantes in diebus illis.*” From the book of numbers: 13-33. “There were *giants* in those days!” I’m not talking about our local heroes, though Tim Lincecum and Buster Posey may be better known than the English saint whose 500 year old memory we honor this afternoon or the distinguished recipient of his award – *giant* of the law, of the church, and of his family: Hugh A. Donohoe!

Good afternoon, your excellency, distinguished 2010 Thomas More Award winner, members of the judiciary and of the bar, spouses and friends. As I’m sure you all know, the first lawyer saint was *not* Thomas More, but St. Ives. Tom More was second &, *some* say, including Shakespeare, the *last*! (I may never get asked back here...)

St. Ives — you know the saint of the city, which the man who had seven wives, seven cats, seven kids, and seven sacks was exiting. You don’t know *that* story, huh? How bout this one about our first canonized JD? “*Sanctus ivo erat brito. Advocatus sed not latro. Res miranda populo!*” “Saint Ives was a Breton, a lawyer – *not* a thief to the *amazement* of the people.”

Again welcome, this great day for attorneys and for the Church. Beyond my deep friendship for Hugh, I don’t know really know why I’m up here; I barely know *canon* law, let alone the common law! I taught Sandra Day O’Connor’s kids in Phoenix, of course, and I’ve heard Tim Reardon’s tales of the Bengal Bouts at our lady’s college and know – way too well! – prominent local attorney Pete Murphy.

So many judges and attorneys – many of whom are here this evening – are graduates of our school, and a present parent is judge Richard Ulmer, who calls himself a “proud SI dad.” Finally, my brother Michael sentenced Paris Hilton – but enough name-dropping and the sum of my experience with the law! Now that I’ve established my lack of credentials, let us begin.

I just hope it’s a fun day for Hugh and family. Hugh is not exactly a headline chaser, but committed as he is, he’ll do anything for the cause! Hugh is not the sort of Irishman satirized by Yeats: “Being Irish, he had an abiding sense of tragedy that sustained him through temporary periods of joy.” Rather, Hugh enjoys a good laugh as did Thomas More, who could rip off one-liners all the way to the scaffold. A *rare* sense of humor – *indeed!*

Such is not merely my view, but witness no less a personage than More’s colleague, Desiderius Erasmus: quote: “From childhood he had such a love for witty jests that he seemed to have been sent into the world for the sole purpose of coining them; he never descends to buffoonery, but gravity and dignity were never made for him. He is always amiable and good-tempered, and puts everyone who meets him in a happy frame of mind.”

Erasmus, of course, captures not only his friend, Tom More, but *our friend*, Hugh Donohoe! I am surprised today’s readings are for the day – that may be a regulation of which this Jesuit feigns ignorance. I should have thought Thomas More would have selected last Sunday’s parable of the unjust judge – perhaps *too* close to home? But *that* eminent jurist, who seems not to have read John Marshall — that “judicial power, as distinguished from the power of the laws, has no existence” — nonetheless boldly asserted: “While it is true that I neither fear God nor respect any human being, because this widow keeps bothering me, I shall deliver a just decision for her...”

Note the concluding statement of the corrupt judge: “Lest she finally come and strike me.” He knows the widow is not going to give *up*, so *he* gives *in*! Spare me fake Jesuit erudition, but the Greek verb is a boxing term that literally means “to strike under the eye.” In other words, the judge finally relents because he’s afraid *she* will haul off and give him a black eye! It’s an hilarious image: a supposedly powerful judge cowering in front of a seemingly powerless little widow – possessing, presumably, a wicked upper cut! Our judge, prudently, is not taking any chances! Actually, the widow is *not* the stereotypical old shrew. She is someone who suffers threefold prejudice! As a woman in a patriarchal society, this widow is severely restricted. A widow in Palestine at that time was without resources. She had no male advocate and thus was deprived of legal protection. Add to this that the judge is not rendering a just judgment. Yet *she* stands up bravely against the

system that repeatedly discriminates against her. One imagines a raucous crowd of clients competing for the attention of the dishonest judge. Some gain access by bribery. The rest simply *yell* a lot! The widow is *alone* in an intimidating situation. No one to speak for *her*! Yet she is held up to us – as all good widows are! – as an example of one who will not capitulate in the face of opposition.

Remember St. James who cuts to the chase when explaining what Christianity is about. It is, the apostle tells us: *servicing orphans and widows!* Think about *that*, ladies and gentlemen, as we approach fall elections. (I'll say no more about it!). But, widows of the world *unite!* The judge in the Gospel is described as one who does not fear God, nor is he capable of normal human shame. Presumably he can be moved only by under-the-table gifts. The only strategy available to the widow is persistence – which, finally, gets through to the shameless judge. But though this scene is rather droll, the point of the parable has nothing to do with lazy, immoral judges, nor tough, pushy widows!

Jesus's thesis is that one must be persistent in prayer and service! *Prayer* and *care* for others are both sides of the Judeo-Christian coin! Besides our faith and our prayer, we must also serve justice! We must *pray* *but* we must also speak out for the poor – for widows and orphans! Thank God, we have good widows and bad judges for models! To be serious, the Gospel story should encourage us who experience or observe injustice to *fight* against it! Don't wait until eternity to right wrongs! Like the widow who bore discrimination, we must not waver in demanding inalienable rights. Christian resignation is fine – *after* we have done *all* we can to ameliorate wrongs about us.

As Paul wrote to his student, Timothy: "Whether convenient or inconvenient, be persistent *in season* and *out of season!*" Renaissance man more was prayerful and persistent as Hugh Donohoe is as well. Both – men of high ideals and principles, "men for others" "men for all seasons!" both Thomas *and* Hugh tried the seminary; both married; both wore hair shirts – Thomas More, literally – and for Hugh some of the litigants with whom he has had to deal – a particularly painful contemporary hair shirt is the principled practice of the law. Even at the highest levels in the kingdom, More was ethical in all his dealings, yet pilloried for not accommodating his king. Thomas More and Hugh Donohoe were and are prestigious professionals, more than competent attorneys, true servants of the public and of the commonweal.

More was a loyal son of the church – committed to the reform of civil society in Christ's incarnate image. So, too, our honoree today – so especially dedicated and devoted to justice for youth – in a word, a fit follower of this greatest of lay saints. I said Ives was the *first*, not the *best!* Thomas More did not rush to martyrdom. A brave man and committed Catholic, but a shrewd lawyer, he used every point of law he could to follow his conscience, yet avoid the chopping block. No fool, the author of *Utopia*, the chancellor of the realm, the happy father, the good friend, wrote to his daughter, Meg, from the tower: "God has strengthen me hitherto and made me content to lose goods, land, and life, too, rather than swear against my conscience."

Remember More's description of the law in *Man For All Seasons* when he holds water in his cupped hands and explains to Meg what it would mean if he were to go against his conscience! Immediately after tipping his executioner and telling his final joke that he had removed his beard from the block because *it* had done no wrong, our saint proclaimed his last words to all assembled: "I am the king's own good servant, but *God's first.*"

Such a contrast to the agonized words Shakespeare put in the mouth of a dying cardinal Woolsey, More's disgraced predecessor: "Ah, Cromwell, Cromwell. if I had served my God with half the zeal I served my king, he would not in mine old age left me naked among mine enemies! Conscience is *king!* So much so that recently beatified Cardinal John Henry Newman could write over one hundred years ago that "I will drink to the pope, but to conscience first."

The documents of Vatican II open with a paean to "conscience first!" Thus Thomas More's *last* words reverberate through the centuries! Bishop Justice recently addressed past presidents and award honorees and commented on how the fractiousness of discourse in entertainment, politics, news, and even religious

communities is dividing our families, communities, society, and institutions. The *appropriately-named* bishop – forgive me, but I always wanted to say that, but never had the forum before – emphasized how “we must preach the truth of the Gospels and join in Christ’s prayer for unity as the remedy for the angst and divisiveness of our time.”

Or as Thomas More himself might have said: “*In necessariis, unitas; in dubiis, libertas; in omnibus, caritas!*” More’s last words – as horrible death stared him in the face – receive this commentary from Hugh Donohoe: “Jesus is crying out to this good man to reveal the core values at the heart of true humanism and martyrdom through the interplay of properly ordered loyalties, fierce faith, and the understanding of the pre-eminence of charity in all things – being our unifying salvation through the crucifixion, resurrection, and Pentecost.”

From his words, my friends, ‘tis clear why Hugh Donohoe was chosen for this award: More’s torch has been picked up and carried to the finish line by this twenty-first century *San Franciscan* -- for all times! Hugh concludes: “Our man for all seasons heard these words and took them deeply to heart in his care of family, country, and church – without “*counting the cost!*” – to self or world for “*the greater glory of God.*”

Albeit the readings of the day do not directly refer to the judiciary and to the legal profession as did our initial parable, but Ephesians and Luke raise questions about the prophetic role of Christian attorneys in a largely agnostic and even pagan society, about the role of conscience in the administration of the law, of the dynamic of love in making judgments – and the plausibly inevitable divisions consequent on such judgments.

I am not an attorney and know enough not to presume to enter spheres in which I have no competence. I am simply content to let Thomas More resolve these serious issues with his admonition to his daughter in Robert Bolt’s version of his life, when she begs him to sign the act of supremacy and come out of prison. More tells her: “If we lived in a state, Meg, where virtue was profitable, common sense would make us good.... but since, in fact, we see that avarice, anger, envy, pride, sloth, lust and stupidity commonly profit far beyond humility, chastity, fortitude, justice and thought, and have to choose – *to be human at all* – why then perhaps we must stand fast a little!”

His daughter responds: “But in *reason!* Haven’t you done as much as God can *reasonably* want?” To which her father replies: “Well, finally, it isn’t a matter of *reason*; finally, Meg, it’s a matter of *love!*” It is an interesting time in which we live where local agnostic Dr. Michael Krasny of SFSU can title a book *Spiritual Envy*, whose theme is the desire of the unbeliever to possess the *surety* of faith. And authors Robert Putnam and David Campbell in *American Grace* can argue that in spite of the atheism in much current discourse, we all have an “*Aunt Susan*” – an essentially good and giving relative – to remind us that there is more to existence than materialism, that there is another life beyond the here and now.

Thomas More lived in the midst of such faithlessness, as does Hugh Donohoe today. Both have fought for right by word and example and have never been afraid to speak out and to *live-out* Gospel values! In public and in private, Thomas and Hugh are Christian and human to the core! – motivated wholly by divine revelation in the spirit of Jesus and by Christ’s love and God’s call to selfless service!

To be fully human is to be fully alive as Irenaeus – discoursing on God’s love incarnate in Jesus Christ – taught long ago! Home from political pressures and cares, Thomas More was a loving family man, husband and father, educating his daughters, a writer and teacher far ahead of his time – a universal, not provincial man, *Catholic* in the broadest sense of the word!

So, too, Hugh Donohoe, whose Christian life beyond his profession and his Church and his profound concern for his community, centers loyally-lovingly about a cherished wife and family. This “*attorney for others, for all seasons*” – a *modern* Thomas More – like the lawyer saint whose mantle he inherits at this Red Mass today – is also, *like More*, the quintessential family man. One reads in Meg’s husband, William Roper’s biography of his father-in-law, that Thomas could not have been prouder of his family and – when the great

event took place – of his first grandson! And – yet again – the parallel is perfect. Hugh Donohoe could not be prouder of his family and – when the great event took place – of *his* first grandson!

In sum, for Thomas More, for Hugh Donohoe, at home, in court, or at church: “Finally, Meg, when all is said and done: It isn’t a matter of reason; finally, it’s a matter of a love!”