



The Lynde and Harry
BRADLEY FOUNDATION

**Eugene Meyer's
Acceptance Remarks**
2009 Bradley Prizes
June 3, 2009



Meyer accepted the Prize on behalf of the founders and leaders of The Federalist Society for Law and Public Policy Studies -- Spencer Abraham, Steven Calabresi, David McIntosh, Lee Liberman Otis, and Leonard Leo.

I have the privilege of accepting this Prize on behalf of the six of us. What this means is that the good news is you won't have to hear from all of us. The bad news is you will have to hear from me.

First, I want to thank our family members who are here -- Leonard's wife Sally and two of their children, Anthony and Elizabeth, and Leonard's parents Bernard and Nancy Demarinis; Lee's husband Bill, her stepmother Nadine Zamichow, her sister-in-law Marybeth and her niece and nephews Harry, Emma, and Dean; David's wife Ruthie; Spence's wife Jane; and I know Steve's wants to thank his wife Mimi, who is not here because she is at home in Rhode island handling their four kids with aplomb. And I especially want to thank my wife Lori and my brother John; I am hoping my son Samuel is asleep by now.

I am sure all of us up here want to thank our parents for this evening, but I want to add one word about my deceased parents Frank and Elsie Meyer. As some of you know, my father was a leader in developing the American conservative movement and I cannot pass up this opportunity to express gratitude to him for that, and to them for educating me at home before it was done.

I would be remiss if I did not also express thanks to all of those who have been such a key part of the Federalist Society over the years. This is the first time the Bradley Prize has gone to a group of individuals. That seems fitting as the Federalist Society is a product of the teamwork of those individuals. But in a larger sense, the whole organization has been a product of the teamwork of many, many others: our chapter and practice-group leaders and other volunteers, our staff, and our donors. In the context of this award, we are especially grateful to those already established, such as Robert Bork, Antonin Scalia, and Ed Meese, who lent their prestige and advice to us in our earliest days. So while I am grateful to accept this Prize on behalf of the six of us, we also want to acknowledge the accomplishments and hard work of all those who have helped the Federalist Society thrive.

More broadly, I wish to acknowledge what so many of you here and around the country have done. The task of preserving a free society is ongoing, challenging, and enormous. It is also multifaceted. So many of you have played or are playing a critical role. For some of you, that role is widely recognized. For many more, it is not. It is for those of you who have been unsung that I wish to say a special word of thanks. Both volunteers and those who work professionally to preserve a free society and pass up more-lucrative options deserve the gratitude of future generations who will never know them. For many citizens to enjoy a life relatively free of politics and war (which is critical for a free society), there must also be those who dedicate good portions of their lives to protecting such a society.

So it is now and so it always will be. If we want to preserve what these Prizes stand for, there is no choice. I know with all the forces at large today, some think that they can do little that will matter. We don't know in each individual case what the result will be. We often don't know whose actions will be crucial. But what we do know is that throughout history, individual action has played the decisive role for good or for evil at every critical junction in human affairs.

So thanks to all of you for your unsung work both inside and outside of the Federalist Society.

I also want to discuss briefly the Federalist Society's work on the rule of law, our efforts to elevate the intellectual content and the tone of debate about legal questions, and our efforts to foster debate and discussion about the Constitution.

We have too little discussion in the country that is civil, serious, and energetic. Yet such discussion and debate genuinely lead to better ideas and, in the end, better governance. By contrast, sadly, often discussions about law and particularly about courts turn simply on whether we like the policy result.

There is a sense in which this reminds me of the story from old days of football. There was a big pile up in the middle of the field. The football burst. In those days, there was only one ball. Everyone was standing around trying to figure out what to do. Then one big lineman whose eyes were glowing with the joy of the battle and who had a little blood trickling down his forehead bellowed, "To heck with the ball, let's get on with the game."

For a constitutional system of separation of powers to focus on the policy result without considering the law and the Constitution makes no more sense than playing football without a football.

But even when the discussion is a little more sophisticated, it too often loses sight of fundamental insights that lie at the root of the American experiment: our founders designed our Constitution and its structure to govern and protect a free society. The

Constitution's structural provisions, most notably the separation of powers and the creation of a central government with substantial but limited powers, are the lynchpin of this design. As Madison warned: "The essence of government is power; and power, lodged as it must be in human hands, will ever be liable to abuse." A government exercising great power through taxes and regulations is therefore simply for that reason a danger to the rule of law. It will misuse its power. It will seek to benefit the rulers and their friends and punish their critics.

Tolkien described the problem well in *The Lord of the Rings*. In the fight with evil, a fight in which the forces of good seem undermanned, two leaders are offered the ring of power to use for good. They both dare not take it. One of them, when told she would make people pay for their dirty work, says, "That is how it would begin, but it is not how it would end, alas." Sadly, Lord Acton's famous aphorism was right: "Power tends to corrupt and absolute power corrupts absolutely." It does that to everyone. That is why the rule of law is so critical. And who suffers if the rule of law falters? All of us. And in the real world, the poor and the uneducated in whose name the government will claim to wield power will suffer most, for they will least know how to combat a powerful bureaucracy with wrongheaded ideas about how they should live their lives.

As I said, the Federalist Society strives for serious discussion about how the rule of law and our structure of government protect freedom. Beyond that, we want to encourage those who take ideas seriously to play a significant role in the public-policy debate. The citizen lawyers we help nurture each make some contribution to their communities and to the country at large. This is crucial because, in Edmund Burke's words, "Nobody makes a greater mistake than he who did nothing because he could only do a little."

With that, let me return to where I began in thanking all of our unsung and involved citizens and by thanking, on behalf of my colleagues, the Bradley Foundation for this honor.