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## Tribute to Wade McCree

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## TRIBUTE TO WADE MCCREE

*Benjamin R. Civiletti\**

I met Wade McCree for the first time in early 1977 at the swearing in ceremony of Attorney General Griffin B. Bell. I was a guest of Judge Bell's as a possible new Assistant Attorney General—although I was unsure for which division of the Department of Justice I was being considered. There were many important and famous Washington and Georgia figures at the reception, most of whom greeted Judge McCree warmly as old friends or acquaintances. I did not know much about Wade McCree then, except that he had been a distinguished state and federal judge. We were introduced and talked for a few minutes. Judge McCree impressed me immediately. A tall, slender, dignified man, he was strikingly graceful, reserved and at ease amid the reception hubbub.

During our brief exchange he focused on me exclusively and asked several friendly but pertinent questions. He repeated my name several times smoothly, including its correct spelling, over the course of the conversation—a practice I came to learn was his habit to reinforce his memory of people. He was warm, interested and seemed to offer his friendship readily.

Over the next four years, as Assistant Attorney General of the Criminal Division, Deputy Attorney General and Attorney General, I learned that my first impressions of Solicitor General Wade McCree were exactly right, and I came to be not only a close professional associate, but an admiring friend as well. I learned also of his many other fine qualities and traits as a premier lawyer, judge, public servant, and wonderful human being.

For two and a half of our four years at the Justice Department, Judge McCree and I lived near each other in Southwest Washington by the Potomac Channel. It was Wade's practice to walk to and from work every day, a brisk 25 minute trip each way. From time to time, I would join him for the pleasure of his company more than for the exercise. Judge McCree observed on a wide range of subjects, from current events and cases before the Court, through the architecture of buildings and

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their history, to the identity and characteristics of flowers, plants and trees. He never lectured but simply suggested fascinating facts or shared a special affection for the joys or beauty all around us. His walks were as regular and consistent as he was as a man. The change of seasons didn't deter him; rather, he took pleasure in their differences. Much the same is true of his work and his dealing with people and life. He exercised patience and understanding in hearing others out, appreciating differences, and deliberately and wisely reaching judgments. I never saw him rattled or disinterested nor short or petty with anyone.

This confident and serene man was an ideal choice for Solicitor General of the United States in 1977. There was sharp debate within his office, the government and the country over individual rights, affirmative action, foreign intelligence surveillance, aid to education, veterans' preference rights, environment preservation and enforcement, presidential powers, and many other issues before the Supreme Court. Judge McCree told me he read every petition, every brief and every memorandum personally before determining whether an appeal was justified or whether to seek or oppose certiorari. With like personal attention and care, he welcomed and considered all points of view within the government on briefing issues and arguments, and painstakingly crafted positions which were sound and persuasive and yet to the extent possible, accommodated conflicting governmental antagonists or at least soothed raw conflicts.

Although I never witnessed his many arguments before the Supreme Court, it was reported to me that the Justices openly and frequently showed their admiration and respect for Judge McCree in questions and attitude. Of course, the government's statistical record of success before the Court under Solicitor General McCree was excellent.

Through my friendship with Judge McCree, I came to know his wife, Doree McCree. She is a small delicate woman who has sparkling eyes and a wit to match. She and Wade were the best company one could have on any occasion. I recall particularly one long drive together with the McCrees to attend the annual meeting of representatives of the three branches of government on the Administration of Justice organized by the Chief Justice at Williamsburg, Virginia. My wife Gaile and I listened to tale after tale of their early days, first courting, then married and starting out as young professionals. They alternated telling amusing stories which poked gentle fun at each other. The young McCrees were great friends of another young couple, William C. and Lovida Coleman. Bill Coleman, of course, was to become a cabinet officer himself and one of our country's finest lawyers. Recollections of the young Colemans were of particular interest to us since their daughter Lovida was at the

time my Special Assistant as Attorney General. Beneath the humor of these reminiscences, we caught a glimpse of those very tough economic times and the struggle to overcome heartbreaking discrimination. Because of these very private and poignant anecdotes, the achievements of these men and women shone even brighter and emphasized to me the quality of their talents and the strength of their hearts.

I could not end this personal note in tribute to Wade McCree without mentioning his love of our language and its words. His facility with language, combined with his great good humor, produced marvelous poems and limericks about people and current events which he seemed to create almost spontaneously. A week seldom went by without a special limerick by Wade to celebrate an achievement or lighten a burdensome issue at the Attorney General's daily breakfasts. Even at his admission as a fellow of the American College of Trial Lawyers in Honolulu, Hawaii in 1980, Wade's acceptance was in perfect rhyme and wit, which brought delightful applause from that serious audience.

Although we will miss Wade McCree in person, his life will continue to provide us with clear lessons of hope, strength and love for many decades to come.

