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# **The 2015 Joan Kirner Social Justice Oration**

Communities in Control Conference: The Lucky Country  
Conference  
Melbourne, 26 May, 2015

Presentation by:

**Lieutenant Colonel USMC (Retired)  
Dan Mori**

Former US Marine Corps lawyer; social justice consultant, Shine Lawyers.

## **Introduction from Our Community Group General Manager, Denis Moriarty:**

Now is the time for the Joan Kirner Social Justice Oration. It's become an important fixture of this conference and for good reason.

Firstly, let's talk about Joan. Our former Premier, our first female Premier. The lady I worked for 25 years ago and I have to confess, I fell in love with, for her intellect, passion and her unending passion for social justice.

She is a campaigner for women, for education, for the environment, and for equality. A woman who always remembers your name even if she's met you only once. It's bizarre how she does it and holds you to your promises, and then adds a few more promises to your list. And has a style that has you simply saying "Impossible to say no".

Unfortunately I received word last night that Joan was not going to make it to the conference today. She is actually very, very seriously ill.

Communities in Control has always been among her annual highlights. So she wanted to wait till the last minute to say she couldn't make it. So she's in hospital and her thoughts are with us. I can assure you that she's here in spirit.

And I've been instructed – in fact ordered, as Joan does – to personally deliver the recording of this session tonight, at the hospital. So let's all show her how much we wish she was here.

### **[Audience applause]**

Thank you. When Joan presented this oration herself back in 2012 she finished by urging us all to get angry.

"Get angry and get organised" she said. That's good advice still.

She gave us all some homework. I think it's worth repeating two of those points today. Two of the things that she set our homework were, one, to restate and recommit to your values and secondly, to plan your individual and collective campaign to strengthen social justice in Australia.

I want to reissue those challenges on Joan's behalf today.

All of the things we've heard over the past two days demonstrate it's never been more important to get angry and get organised. There's so much to do and we can't do it alone.

Someone who knows a whole lot about getting organised, although I can't picture him ever getting angry, he's as cool as a cucumber.

He is the 2015 Joan Kirner Social Justice orator, Dan Mori; or, to use his complete title, retired Lieutenant Colonel in the US Marine Corps, Dan Mori.

Dan may be more well-known to many of you as Major Michael Mori, the American marine who defended David Hicks when his own government, our government, had thrown him to the wolves. Though he wasn't outwardly angry, Dan was always relentless, and brave. He refused to be cowered. He spoke truth to power in every sense of the word.

He won a lot of friends in Australia and across the world and now he's living here and working as a social justice consultant with Shine Lawyers here in Melbourne.

Dan also set up and helps to run the little-known – but it will become more well known, as it is an incredibly important NGO – Australians Detained Abroad. Let's hope that none of us ever have to use that service, though I know it could use all our support. I think in fact it has its first birthday this coming Thursday.

I'm incredibly honoured on behalf of Joan to share a stage with Dan and I know that Joan is also very honoured to have him deliver this 2015 oration.

Joan read his book, and she read it in two days and when she was very sick, she rang me and said "Finished it. Great choice; amazing book" and then said "He's one of us."

I think there's no greater compliment than to have that from Joan.

Please welcome Dan Mori.

### **Dan Mori**

Thank you, Denis, for that nice introduction. It's a pleasure to be here and be part of this wonderful event and I've got some slides and hopefully they'll come up.

I wanted to talk a little about and sort of propose this: Are you prepared to disobey? Are you prepared really to disobey? Now are you? Is anybody awake? Are you prepared to disobey?

Now what I'm talking about because I'm not just talking about going out there and breaking the law and, of course, are you prepared to disobey?

One asterisk is it doesn't apply to my children. Nah just kidding!

But it's really about are you prepared to do what's right, and do the right thing ... and then, how do we do that.

And sometimes when we do the right thing we might have to disobey. We might disobey a law. We might disobey what is politically expected, what is popular.

So I want to talk to you a little bit about that and hit on a little bit of what Joan has asked to refocus on, but I do also want to start with a little about who I am.

Now, right before lunch I was invited into the room (upstairs) to have a chat with a bunch of high school students. Are they still here? Yes? Great.

Now, that was pressure!

I told them: “Look I ended up going to the Marines because I flunked out of college.” And it is true – I went to finish high school in the US. We don’t have a gap year and I think I probably could have used that. Instead I went to college and university and partied a little bit, played American football, and probably didn’t study as hard.

So I came home on my Christmas break and joined the United States Marine Corps. I needed my extremist organisation to help set me straight and I did. I did four years and I loved it and I think that gave me the opportunity to grow up and mature as a person, as a responsible adult, and I then went to law school.

Luckily, I had the opportunity after finishing university, again my life doesn’t seem to be too well planned out, but I wasn’t sure if I wanted to go back in the Marine Corps. Because one of the reasons I was worried was – in the Marines, you don’t know what your job is until you’ve signed up ... and by then you’ve actually gone through about four months of training!

Then everybody, depending on your seniority and how well you’re doing at the school, you go to a room and pick your job. So you don’t know what it is. I could be a motor transport officer, an admin officer, which I did not want to be.

So I told my Marine recruiter I'm going to take the Navy flight test, because they would let you be a back-seater in the Navy aircraft without 20/20 vision; while with the Marine Corps you couldn't.

And he said "Well geez, you know, what's the problem?" I told him "I don't want to be an admin officer." He said "Well do you want to be a lawyer?" I said "Sure, what've I got to do?" and he said "Well see if you can get into law school", and that was the inspiration for me to becoming a lawyer.

Little did I know what kind of career I might have, but life is like that. Life presents opportunities sometimes and you've just got to be willing to take it and I think that was one that set me down a path of my life.

Obviously the next one sort of was when my boss-- I was in Hawaii in 2003 and my boss came in and said "Hey, got an email. They're looking for these people to work on a Commission. Do you want me to put your name in?" I said, "Okay".

Little did I know, again, how that was going to change my life and probably without either of those two things happening I wouldn't be here today.

(Refers to PowerPoint presentation) I put this picture to show how young I was. No other purpose, self gratification.

Obviously the Hicks Commission, the Military Commission ... being stuck in something that was so very different. Something I was not prepared for and something that I think it needed certain values.

It needed definitely getting organised and I certainly had to rely on so many people to assist and I think that was what really allowed us to persevere. There were so many people within Australia and the United States to assist, whether it was from the academics, the politicians, other NGO's. Get Up was great. Amnesty was great and there were so many different groups and legal

professions as well that came together, and worked together to reach this common goal, trying to provide justice to an Australian citizen.

And you know when you have these challenges in life sometimes you have people against you, working against you. They're not always the most friendly and they're not always the most easy to overcome, but they're out there.

My little social justice, where my persona came from – it predated the Commission. Most people think I'm a leftie because of the Commission. No – I thought that everyone deserved a fair trial regardless and I thought that was pretty mainstream.

My first experience dealing with and advocating for people that needed help, which is something that you all do, was in Massachusetts. At this time it's the Monson Developmental Centre, that's where I worked, as my first in law school. I had the opportunity through my law school to work with a disability law clinic and represent individuals who had been basically, not incarcerated, but put in this facility, whether against or with their will, that had been there for 30, 40 years.

It originally had been an epilepsy centre and unfortunately in the 1940s, 50s and 60s there were people still there – all they were was young children with epilepsy who got sent off to be institutionalised.

That gave me a taste not only of the work for those that were trying to assist those who were there, but the challenges they faced.

There were no legal representatives trying to help these families. There was no NGO out there helping these residents. The staff really wanted to help, as well, but the pull between resources and staffing is always a challenge and to try to advocate for people to just have the ability to walk down the street and leave the grounds to go to the Burger King.

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“Can you go? Can we let them go? Bob would like to walk to Burger King and be able to go there and get food.”

“No he can’t go.”

“Why not?”

“Because he might fall.”

“Bob broke his glasses, why haven’t you bought him a new pair of glasses?”

“He’ll just break them again.”

This attitude came from being protective, but they couldn’t understand the dignity and risk, these hazards, and those that wanted to try to leave, and the challenge of helping these people not only against potentially the bureaucracy that was worried about them getting injured, more than the quality of life for these people, or the family members that didn’t want them spending the money that had been accumulating over 20, 30 years.

You could imagine, there were some large accounts. “Why would we need to buy Bob another pair of glasses? He’s just going to break them.”

So that really opened my eyes to the need for people to be out there in the community advocating and I think that affected me greatly and it’s something I’m very happy that I got the experience to do in my life.

Martin Luther King says “Our lives begin to end the day we become silent about things that matter.”

And since you’re all here, you’re not becoming silent. You’re all participating out there, really on the front lines, fighting the good fight and I hope you all know the quality and how much appreciation there should be for the work that you do.



You may not hear it every day. You may not get a pat on the back every day, but it's so important to have organisations that are outside, in the communities, advocating, providing services for those that may not be able to do it for themselves.

I know in these not for profit and organisations, sometimes you can feel like there's a large bureaucracy.

(Refers to PowerPoint presentation) Here's the ObamaCare flow chart. That's not a knock on ObamaCare, it's a representation. It's also an eye test. If you can read it you've got great eyesight!

The whole cause of this conference was, "Think Differently". Your job is to try to think differently. Your job is to look at this or look at a challenge and see the way around and it might not be the expected way. You're the ones who are going to come up with the great ideas. You're going to be asked to do more with less. The slowing of charitable donations, budget cuts, uncertain regulations, are all the challenges that face you.

But you're going to have to do more with less, and because you don't want to remain silent I know you can do it. You're going to have to think about collaborative engagement. How are you going to maximise, have a force multiplier for you and your organisations.

How are you going to provide more services? How are you going to get those resources from collaborative engagement? Information, partnerships. You need to be figuring out who you could partner with to maximise and multiply your forces. Universities, merging.

Have you heard about the Save the Children-Good Beginnings merger? Do you think it's a good thing? Merging is always tough to consider but as money and resources shrink how are you going to adapt and overcome?

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And technology is obviously something that you're utilising. It is out there.

I want to follow a little bit on what Joan said and how Joan asked us to recommit to our values. I want to talk to you a little bit about moral courage and just discuss some areas where people have had to have that moral courage.

I'm using the Marine Corps leadership trait definition of courage. Moral courage means having the inner strength to stand up for what is right and to accept blame when something's your fault. It's a pretty good definition, do you agree?

I want to give you some examples. How many of you were born or alive in the sixties? Not many, right? Who remembers the My Lai massacre?

To many of you, it was a tragic experience of the United States forces killing hundreds of innocent people, but there was one helicopter crew that, when they observed what was happening, Chief Officer Thompson lowered his helicopter and placed it in between US forces and civilians; and ordered his door gunner as he got out, that if the Americans did not stop shooting he was to shoot and engage the American forces.

That took the moral courage. Not many people know about his story. I wish more people did because what a situation to stand up against his own forces and this was something I was taught in the Marine Corps.

The one thing from Marine Corps experience – they try to reinforce you to do what is right. We're not all perfect and we may not all achieve it but there was at least discussion of situations like this.

Has anybody seen the movie Diplomat? It's about the last Nazi general of Paris who was ordered by Hitler to destroy Paris and burn it to the ground.

One of the diplomats tried to encourage them not to and made his decision, ultimately to disobey Hitler and not destroy Paris.

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I'd like to talk a little bit about Matthew Diaz. Does anyone know Matthew Diaz?

I didn't expect you would because those that show certain moral courage or are willing to disobey are not always well known.

But Matthew Diaz, I first met him when I was a lawyer at Diego Garcia. I was out there defending a case and he was a staff Judge Advocate, basically the command lawyer. Then I met him again in Guantanamo on one of my trips.

There he was, and he'd been assigned as part of the legal staff at Guantanamo at the time when all the challenges were trying to be mounted in the US Federal Court to challenge the detention.

The only people who could get legal challenges narrated were those that their relatives actually knew they were there. It was a small handful. The majority – their names had not been released publicly.

Their families did not know that they were necessarily there. They might have suspected, but they didn't know.

Matthew Diaz felt that people should know who's there and one day he printed off a list of names and he sent it off to an NGO in New York. That lost him his 19 year career. He went to prison for six months.

But he felt that's what was right. That these people should be able to have access and it was almost the day after his sentencing that the US Department of Defence released all the names anyway.

I knew him and it struck me that there was a guy sitting alone in the office one night doing what he did because he felt it was right. Whether or not it was legal is a different question but he morally felt this was right and he really sacrificed a lot.

There is also the example of Chelsea Manning that we recognise. People, whistleblowers that are willing to disobey, at cost to themselves. And of course Edward Snowden.

I want to touch on something that may be a little unknown here. Does anybody know CVS Pharmacy from the States here? Yeah.

Now, the chemists here don't sell tobacco, right? It seems shocking, right? What do you think our pharmacists in the US sell? They sell tobacco.

So CVS Pharmacy, one of the largest chains – 7,700 retail outlets. Tobacco sales brought in \$2 billion revenue, a year, and in October 2014 they said, no, no more selling cigarettes.

Remember the earlier speaker talking about corporate examples, corporate responsibility? I think CVS has set a great example in the corporate world. They said no.

The CEO said “You know we’ve got 26,000 pharmacists and nurse practitioners who are helping millions of patients each and every day. They manage conditions like high blood pressure, high cholesterol and diabetes, all conditions that are worsened by smoking. We’ve come to the decision that cigarettes have no place in an environment where healthcare is being delivered”.

Two billion dollars. Now a cynic might say they're really making room for medicinal marijuana. But I mean really think about it, for a business to do this.

Of course they were attacked. Market analysts like Jim Cramer attacked them: “This is not a market that's saying, 'You know what? I am going to buy CVS because they are good citizens. It just doesn't work like that.”

And Kramer, again: “I’m stuck with four walls of trying to figure out their earnings per share, their earnings per share for CVS just got worse.”

This is the mindset. The mindset is this is business it’s different. You don’t get to have a social conscience because it’s about capitalism. It’s about greed. I don’t want to just go against what you said earlier but there’s a lot of greed in the world and CVS took a stand. I really do think it’s something that took a lot for them to be willing to do this.

Luckily their share price went up so I’m so glad that the opponents were wrong.

Ghandi – the Salt March, 1930, who knows about that? What was one of the mainstay ingredients for the Indians’ food? Salt.

And who did they have to buy it from? The British. Could they buy it from anyone else? No. And so Ghandi had his march to protest and to go make salt himself. And again this is a good example of consumer action and disruption and it came with cost. Over 60,000 people were arrested.

Does everyone know about Muhammad Ali? Yeah. I mean think about it. For Muhammad Ali at the time he was the world heavyweight champion.

He was getting drafted into the Army and he had to make that decision: Was he going to disobey and risk jail time and a fine for his principles and his values?

He did. And give up his (boxing) title and he was sentenced to five years jail. He didn’t have to serve it all thankfully.

I’d be remiss if I didn’t mention about Martin Luther King, right, in the march from Selma (Alabama, to Montgomery).

(These are) examples of people that stood up for what they believed right even when expense to themselves.

The challenge is sometimes to figure out what is right. We don't always know. It's not the same for everybody. We have our families, our friends and that's maybe what's teaching us what's right. Sometimes we're in professions and have guidelines. Sometimes it's just your gut. I think there's some preparation to thinking about and doing what's right.

Have you thought about situations that might come up which could create ethical dilemmas for you? Whether in the workplace, at home, in life; have you thought about it and how would you handle it?

Integrity is the heart of courage. It's not a light switch. Doing what's right is not a light switch you can just flip on and off when you need to. It's a part of who you are.

What may be right may differ between people and that's okay. We're not all perfect and it's not all easy. If I had my wife here she'd be confirming I'm not perfect!

But if we try and we practice by our values – and there's many different values that apply to all of you in your different roles. You know what those are that apply to your specific organisation, and if we live by them and we try to stay true to them, it's going to make our lives and those we serve much better off.

What are the fears that we get that make us have those ethical dilemmas or might not act in the appropriate way? Fear of failure. Who's afraid of failing? I'm up here sweating. Other people are fanning so it's not just me. It's hot. I'm nervous. I don't want to do a bad job.

We don't want to fail the people we provide services to, our organisations, our desire for success, competitiveness, which I think is different than failure.

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Do you agree with that? There can be fear of failure then there are others that are competitive, the fear of not being accepted. Not a fear but I don't need to do this or I don't have to be ethical about this because no-one's going to know.

So I also ask at times to whom we owe a duty. That conflict – “Am I making this decision and is it best for the person I'm supposed to provide services to or to the organisation? In my experience, at one time with Guantanamo it was this conflict between client versus the cause.

What might be good for your client doesn't necessarily mean it's good for the cause and those things can compete.

(Referring to PowerPoint presentation) I put this slide up here only because I like another example about the Marines, but here's General James Mattis.

And here was his motto: “Be polite, be professional but have a plan to kill everyone you meet”. So there was some lawyer, luckily it wasn't me, whose job was then to go tell him no.

Look we're in the profession that have to make the hard calls sometimes. Saying no is sometimes the best course of action. You get what you inspect. Are you just trying for the Marine Corps, you get what you inspect. If you're not inspecting, if you're not looking or if you're ignoring, you're going to end up with problems.

You need to seek advice because you're making these tough things. You've got to have time to reflect and I think, the adage, again is fixing problems now is far easier than fixing them later. Sometimes your role can be: “Yes you might have to say 'no', but you're really trying to figure out how to get to 'yes'.”

Does that make sense?

Our character reputation, it takes years to build and moments to destroy. And the other issue that I want to talk about here is how this is valued in our society?

How is character valued in our society? Is character valued at all? Not enough. Is there an Emmy award for character? No. Is there a five million dollar contract for character? No. Does the contractor come and put a free addition on your house if you've got good character? No.

It's hard to measure and it's hard to value and that's one of the reasons why I think it's a challenge for people. I do think it's something that we need to think about and talk about more.

(Referring to PowerPoint presentation) Does anyone know who this is? Fifty bucks if you get it right. That's Australian dollars.

No not Lance Armstrong. He's wearing the postal shirt but it's not Lance Armstrong. Anybody? It's Scott Mercer. No-one knows who Scott Mercer is here. Do you know why you don't know who Scott Mercer is?

He wouldn't take drugs.

He said no to taking drugs and you don't know who he is. But we do know who he is (referring to PowerPoint slide of Lance Armstrong).

There is something wrong in our society. There's something wrong, that we don't know Scott, but we know this guy and that we know her (referring to a slide of Kim Kardashian).

And I offer you this. There is now a blocker you can install on your web page that will block anything to do with the Kardashians. So it's called Kard Blocker. So look it up and you can use it.



We we're talking about here are values of community and the communications era. I really think this is part of it. This is part of the devaluing of community because people are more worried about what she's doing than what's going on locally.

I want to leave you with this definition of courage by General Charles Krulak, the 31<sup>st</sup> Commandant on the Marine Corps.

“Courage acted out in our lives, watches out for the oppressed, speaks up for the weak, takes a stand against injustice and immorality and does so at our own expense. But the courage to take a stand against what is popular and easy, when required, is the key to experiencing a clear and uncluttered conscience.”

I think his definition hit it. This came out in 1997. So people say to me, Dan, you stood up, where did that come from? It came from people like General Krulak teaching us, teaching me.

That statement right there is what's supposed to be being a Marine is about. Not all of us live up to it all the time but that is really the epitome.

I want to finish up with one thing too because I want to give you permission - is Hugh (Mackay) still here? I want to give you permission to be selfish and I want to tell you, you need to be.

(Referring to PowerPoint slide showing airline safety diagram) And I put this slide up here, does anybody know why?

It says to put your mask on first. That's right, because you need to put your mask on first because if you don't, you put on your child, you'll die and you'll probably screw up putting it on your child.

You need to take care of yourself. You're all in a profession. You all care about others and you want to help others. Does anybody want to help someone else? Is that why you do what you do? Yes.

But you can only do that if you're ready and that means take care of your mind, your body, your family, right. So you need to be sometimes a little bit selfish. You need to take time for yourself or else you won't be in a position to help others.

So I want you to focus on that and that's not just for you but it's other people within your organisation. Are they taking care of themselves? Are you giving them the opportunity to do that, to make sure that their mind and body is in a position so they can keep up the fight 100%?

I'm also going to show you the secret to the meaning of life. (Referring to PowerPoint slide) So there it is.

I want to say this and again ... if what you are doing is what you like and if you're doing it with people that you like to be around, you've got it. You've got it, right? And that is so important.

I'm not sure which is more important. Doing something with the people you like being around or doing what you enjoy but with people that you may not like so much. It might even be being with people you like.

I've had bad jobs – or not bad jobs but people would probably view them as menial. I worked on a grill cooking hamburgers up at a ski resort for three weeks. It was with one of my friends from college and I had the best time of my life.

And so I think it's important that you really take pause and think about where you're at and hopefully you're doing something with the people you like and you're doing something you like and have those two goals.

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If you get those two right I think you're going to find out that life is good.

The other sort of philosophy I have is life is a journey not a destination. It's about the journey. We're all going to get to death. It's the stuff in the middle that matters and so relish it, and live with those that you want to be around and do what you do.

I'm going to finish here ... (with) this slide from John Lennon because I think happiness is important.

"When I was five years old my mother always told me that happiness was the key to life. When I went to school they asked me what I wanted to be when I grew up. I wrote down happy. They told me I didn't understand the assignment and I told them they didn't understand life."

I'd like to take full credit for the quote but I can't and I think it's so true. I think it's so true.

You find out what makes you happy, doing what and being with whom makes you happy and that's so important, because if you're happy you're going to have the energy to help so many of those people out there relying upon you.

And I think you all deserve a round of applause for the work that you do. You do.

I'd like to finish off, before I get to questions, can we all say hi to Joan. One, two, three, "Hi Joan".