STANFORD LAW SCHOOL

Law Class of 2004 Graduation Ceremony
Address

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Judge John Crown Professor of Law
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Dean Sullivan, distinguished colleagues, families and friends of the graduates, graduating class, people of class, people of color, colorful people, people of gender, people of sex, sexy people, earthy people, environmentalists, federalists, feminists, fundamentalists, new-agers, tekkies, law and econ boys. All of you as Associated: Asians and Pacific Islanders (APilsa), Black law students, (Balsa), Native American law students, (Nalsa), Latina Law Students, (Salsa of course), Jewish Law Students, Christian Law students (and the J. Rueben Clarkers). Or you as joined in Societies: Law and Technology, Law and Wine. Drama. And then there are your Foundations: A Foundation in the Public Interest, (SPiLF), and a Foundation for Shaking the Foundations. Teachers of Street-law, members of Outlaw, (formerly Bi-Glsa).

To say nothing of you as editors of seven journals, as organizers of many annual festivals (the auction, the musical, the Battle of the Brains), and yes as participants in classes, lectures, moots and debates—all the things which, taken together, make the shared life and memories of this class. Your story.

Though each class has its own being and personality, its story also partakes of the traditions and history reaching back over a hundred years of Stanford Law School's existence. Indeed, the fundamental skills, aspirations and ideals of the profession for which we have trained you, the methods, mental habits, and even the basic curriculum, are amazingly, perhaps comfortingly, continuous with the past.

There is, however, one huge difference between your experience here and that of any other class in the history of the law school. Not the nature of law study, but the world itself changed just a few days after you arrived at Stanford. At a time when most of you were far from family and friends, already somewhat anxious and uneasy, the terrible events of September Eleventh were upon us and the first thing you learned here was this, in the words of the poet:

> Things fall apart; the center cannot hold
> Mere anarchy is loosed upon the world
> The blood-dimmed tide is loosed and everywhere
> The ceremony of innocence is drowned.

For us, your teachers, the attack was equally disorienting. The mysteries we were about to open for you were suddenly diminished. What relevance has due process in a time of terror?

> Turning and turning in a widening gyre
> The Falcon cannot hear the Falconer.

My notes for September 12 show that I tried, feeling never more challenged in the classroom, to model calm and fortitude, and to urge that we throw ourselves into the tasks at

hand, the beautiful daily-ness of life and law study. That we embrace our fate—one that required no immediate response, one that allowed us to prepare to face the new world out there.

And, of course we did all go on to arrive at this day—where we celebrate your graduation from Stanford Law School. The awful turn that the world took did not ruin your story here. It turns out that while you were robbed of the initial excitement and joy of law study, you were also spared the loss of perspective that can create jealous and ultimately debilitating competition, and ugly divisions among the students in a class. Instead, you as a class have been unusually tolerant and understanding, interested in and supportive of each other. And appreciative of your experience and time here. It is no coincidence that this class was the first in history to contribute at a rate of 98 percent to Stanford Law School as you graduate.

Today's graduation is a special one also because it is the last one as Dean for Kathleen Sullivan (though I hasten to add that she will stay here to start a center on constitutional rights). She is the fifth Dean I have served under here—and in every case I have observed one really tough part of the job. No one ever really says thank you for anything. There's a reason for this—if you tell the Dean thank you, she might stop working on your project, and tend to something else. Not before now, now at last, we can say it—thank you Dean Kathleen Sullivan for your leadership, your vision, your dedication. For giving yourself to Stanford Law School.

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Now, I would like to take a few moments, while you are really listening, and when you are free from your laptops and their temptations. As you sit here, the objects of pride, the subjects of triumph, I take my last chance to tell you the things you need to know. The last chance—not only because you are leaving the law school but because I am retiring from big class teaching to become Stanford's first Professor of Law, Emerita.
So here are four key stories and the lessons I would have you take from them.

<u>Lesson One: Find your mission</u>.

Mine was to be a criminal defense lawyer. Conveniently, the year I graduated from law school, the Supreme Court decided the Gideon case with its dream that in this vast, diverse country every [person] charged with crime will be capably defended. Following Gideon, Congress established a small pilot project for criminal defense in Washington D.C. Ultimately it became the Public Defender Service and I was its first director.

How did I become the public defender in the nation's capital at the age of 30? Well, I would like to say it was my stunning charisma, but the fact is that no one else could afford to do it. The statute set the director's salary at $16,000 a year, and the other applicants were all family men whose wives were homemakers.

Here is the instructive part of the story: I then hired the best of the male contenders as my deputy. The statute did not say anything about how much the deputy could make, and I paid him almost three times my own salary. This enabled me to delegate the hard boring tasks, while I defended precious freedom in the courts before juries. A lesson in administration as well as in having a mission.

Lesson Two: Join a movement.

When I was in law school, only four percent of the nation's law students were women, and on graduation we did not have the same opportunities as the men in our class. Yet we did not give sex discrimination its name and I think many of us were surprised when the civil rights movement took on this new dimension. When women's rights became an issue in the late sixties, women started flocking to law school. This is what women do when they begin a new movement: they become lawyers.

As the percentage of total women law students rocketed from 4 to 20 percent almost overnight, the law schools were not ready to receive these new students. Women were not in the curriculum and they were not on the faculty. Many law schools had never hired a woman professor. In 1972, I had the sense to see a window opening for a public defender to become an

elite law professor. I leaped through it and came to this wonderful job at Stanford. Note that it was not the murder cases I defended, but the movement I joined that brought me here.

In the same vein, the women's movement had a large role in my holding high government office in the Carter administration. In his campaign he promised to appoint women, and did so in numbers never before matched.

When I took a leave from Stanford to be assistant attorney general, I was often asked what it "felt like to get my job because I was a woman." I developed a stock answer: "It's far better than *not* getting it because I'm a woman."

That is Lesson Number Three: Stand proudly on the shoulders of those who went before you. Remember that it is how you do the job that counts.

Lesson Four: The Necessity of Feminism.

In the last thirty years, women have made almost unbelievable progress in the legal profession. Fifty percent of our graduates today are women. And while there is still plenty of sex discrimination, it is no longer the main obstacle to woman's progress.

Now that women are a critical mass within it, the legal profession could be made to respond to our presence in ways that could enlarge and elevate the practice while improving the lives of all lawyers. We could turn now to changing the profession itself so that it accommodates the lives of women, so that *pro bono publico* and public service are central values, so that it is no longer a market-worshipping, bottom line business. Feminist men and women working together to that end—it's the next movement. Join up now.

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The classic form of a law school graduation speech, which I have always followed until today, is to start by acknowledging how the public dislikes lawyers and feels there are too many

of us. Then, to explain why the contempt is not deserved, and should not apply to Stanford lawyers especially.

But 9-11 has made that speech irrelevant. Not only are there not too many lawyers, but never before, or at least not since the beginning of American history, has our beloved country needed lawyers so much as now.

We need people who enjoy due process, people who can see both sides of the argument, who live by negotiation and settlement, people who are suspicious of grand claims and skeptical of ultimate solutions, who insist on giving notice and assuring the opportunity to be heard, and who revere tradition and precedent. We need people trained to seek justice while recognizing that it is a standard and not a rule. Most of all, we need men and women who have studied the Constitution and its texts, who understand its purposes to preserve individual freedom and equality. If we did not have lawyers for these times—we would have to invent them.

Not all lawyers agree, of course, on what justice demands or freedom requires. Lawyers, like feminists, are on both sides of many controversies. Think about this—however, there were no lawyers involved in planning or justifying what went on in the Iraqi prisons. And only lawyers can resolve the mess in a way that does justice and appears to do justice, and lawyers will assuredly be the ones to design procedures to prevent such horrors in the future. Finally, it is lawyers who will draw the connection with the mass incarceration in terrible conditions of many of our own people in this country. And who will turn to remedying that.

That you came together as a class in a momentous time—September 2001—reminds me of Salmon Rushdie's novel about the children born at midnight on a date in mid-August 1947 when India became independent of Great Britain. "Midnight's children," according to the book, share a special vision, an inward experience that sets them apart for life.

For you as individuals, this is a strong sense of what matters. Life itself, and love, family, community, country. And for you as a class, a sharpened appreciation of law's guarantees. Soon each of you will be taking your oath as attorneys—with its central promise—true wherever you join the Bar—that you will support and defend the Constitution. Bring to mind, when you take the oath, the deathless words and phrases of the preamble: "We the People… in Order to … establish Justice…promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

"The Blessings of Liberty"—explore those, passionately with a sense of mission and service. And when the time comes many useful years from now for you to retire, say with me, the words that Clara Foltz always invoked in closing her speeches:

> Long years ago I took my stand for freedom, and where the feet of my youth were planted there shall my old age march. And for one I am not ashamed of freedom. It is no vague dream or idealistic fancy. I know her power. I rejoice in her majesty. I walk beneath her banner. I glory in her strength.

Congratulations and farewell. Remember what you learned here. Stay in touch. Keep the faith.

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