

Commencement Address, 2007

It's the last day of a long journey. The end of many years of education and preparation. You have worked and studied in anticipation of this day, and you should feel proud. As proud of yourselves as your families and friends are proud of you. As proud as we, your teachers, are. Of course, the end of this journey begins another: the longer, more exciting, less predictable journey of your life as an adult and your career as a lawyer. And in becoming a lawyer, you join one of the oldest, most important, and, yes, most respected professions in the world.

We live in a society that prides itself on being governed by “the rule of law.” A society in which law provides the structure and framework necessary not just for government, but for commerce, and art, and industry. For war, and for peace. For protecting individuals from the state and protecting the state from individuals. It takes lawyers to make this system of law work. Lawyers who know and understand and respect law, and who are in turn respected for it. There is a reason such a large share of the leadership in this country comes (and always has come) from the ranks of people trained in the law. A reason why, ubiquitous lawyer jokes notwithstanding, our country turns again and again to men and women with legal training to help solve its stickiest problems. By earning a JD, you acquire a very special privilege and power: the privilege and power to practice law. There are now things you can do—people you can help, or hurt; lives you can improve, or destroy; institutions you can build, or tear down—that no one without your training can do. Privilege and power. But also responsibility and obligation.

So much is routine for charges like this. The charge to a graduating class is, in fact, a sort of set piece, in which I tell you to go out there and make a difference. To use your license

for good. To be ambitious and to change the world. And this is indeed the charge I will give you. But I want first to give it some context. Cliches become cliches, after all, only because they are true. And this one is truer than most, and truer now than ever.

I begin with a quote:

“It has frequently been remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis at which we are arrived, may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind.”

That’s Alexander Hamilton, in the opening paragraph of the opening paper of *The Federalist*, speaking of the momentous problem of establishing a stable popular government.

Hamilton recognized that the times were not normal: that the stakes were higher and that everyone had a responsibility to step up and do their part. Nor was Hamilton alone in this belief.

Across the nation, people in the 1780s worried that America was teetering on the brink.

Benjamin Rush wrote (in his deliciously hyperbolic way) that Americans seemed on the verge of “degenerating into savages and devouring each other like beasts of prey.” Even the always sober and restrained George Washington fretted about the “astonishing changes a few years are capable of producing. From the high ground we stood upon, from the plain path which invited our footsteps, to be so fallen! so lost! It is really mortifying.”

Facing a crisis, the Founding generation rose to the occasion. They struggled and debated and fought to establish an entirely new government. More, as they learned in the years

immediately following how little they had understood what was needed to make that government functional, they struggled and debated and fought some more, and they made it work.

We face a similar crisis today. People seem to resist this kind of analogy. We think of times like the Founding (or the Civil War, or New Deal) as moments of high drama. Moments when events that have been slowly building reach a kind of crescendo, a crossroads at which the stakes are not only high, but immediate—and definite choices must be made with profound consequences for the future.

I think popular culture has conspired to create this sense, and in doing so it has lulled us into believing that such times are unlike the ordinary lives we lead. Our days aren't filled with high drama, after all. Momentous things happen, but sporadically. And in between, there is nothing very remarkable, just a lot of days like any other. It seems like hubris to pretend that our times are as important as the something like the Founding, or that we have opportunities and responsibilities as important as those of the Founders. Reading history tends actually, and somewhat ironically, to reinforce this sense. Because the narrative structure of telling a story requires telescoping events, and in this way conveys an inaccurate impression that things unfolded at a relentless, breakneck pace, very unlike our own ordinary, day-to-day lives.

It's not true, though. Spend some time reading newspapers and diaries from the Founding or Civil War era, and you'll find that daily life then was very much like daily life now—even for leaders. On most days, nothing happened. For life unfolds slowly even in the most dramatic times, and everyone's experience always consists mainly of quotidian things and ordinary moments.

Perhaps it is this that makes it so hard to recognize that we are, right now, living through one of the most important and dramatic periods in American, and perhaps world, history: that our choices are as momentous as Hamilton's and, like his, that "a wrong election of the part we shall act may deserve to be considered as the general misfortune of mankind." The evidence is all around us. Think of things that signaled a crisis in earlier times: political divisions grew vicious and paranoid; elections were contested and presidents impeached; wars were fought; long established rules of government conduct changed abruptly, the broad public grew alienated, party alliances flip-flopped, and so on. Yet if earlier crises each witnessed some of these things, we have seen all or most of them. And in the slow way that history actually unfolds, we have had them in pretty rapid succession.

What's more, the problems causing this conflict and uncertainty are more threatening than ever too. I grew up during the Cold War and in the 1960s and could not have imagined a scarier, more threatening time. I bet few of you know what a "duck and cover" drill is, though all your parents do. It was something the government recommended for elementary and secondary schools in the 1950s and 60s: if a nuclear bomb exploded nearby, you were supposed to duck under your desks and cover your heads. I mean, how ludicrous is that? But that's what we did, several times a semester, preparing for the inevitable Soviet attack. It was the era of "Dr. Strangelove": a time of incredible anxiety about the all-too-realistic possibility that the entire world might actually be destroyed in a nuclear holocaust.

And even so, I think the problems your generation faces are bigger, more complicated, and even scarier. The threat of nuclear war remains; indeed, grows worse each year as more and more countries with unstable political systems acquire nuclear weapons. At the same time,

threats from other sources and other directions have sprung up, and now we need also worry about global warming, about disappearing resources, about terrorism and fundamentalism and new diseases that can wipe out whole populations; about a world order that seems to lack order and national governments that can't seem to get enough of it and will impose their versions by almost any means.

Problems like these are not new, of course. But they are bigger—bigger precisely because of the one great achievement of my generation and the generation of my parents, which was to shrink the globe. When I was a child, flying was still glamorous and exotic; so much so that hardly anyone could afford to do it. Communicating across distances could be done only by ordinary mail and phone, and was oh so slow. Made in Japan meant cheap, made in China meant Taiwan, and made anywhere else was simply exotic, or pretentious. That everything today is different is so obvious and itself such a cliché that it hardly deserves mention and certainly needs no explanation. By shrinking the globe, however, we also magnified the costs of any mistakes. Today, the consequences of everything we do, or fail to do, are wider and more portentous. No one's problems are just their own any more.

Isn't this a happy speech? Yet my goal is not to squelch today's joy or send you all off to lunch depressed about the sorry state of the world. It is, rather, to impress upon you the great challenges ahead. So that when I tell you—as I will in a moment—that you should be ambitious and should go out there and change the world, you will understand that I really mean it.

Really. We need you to do it. We messed things up and now it falls to you, our children, to fix it. So that your children will be able to hear a speech like this, but won't have to.

Fortunately, if history teaches anything, it is that great challenges bring great opportunities. And, indeed, you leave here with opportunities to make a difference that are indeed rare.

And now here it is. Our charge to you: Take advantage of these opportunities. Be ambitious. Change the world. Make a difference. Because you can, and because you must.

This is, actually, a quite hopeful message. I wish I were you. I wish I had before me the lifetime of challenges you face. You can be great and you can do truly great things. And we are confident that you will.

I end with another quote from the same period, this one from a public letter written by a happier and more hopeful John Adams:

“You and I, my dear friend, have been sent into life at a time when the greatest lawmakers of antiquity would have wished to live. How few of the human race have ever enjoyed an opportunity [such as ours]? When, before the present epocha, had three millions of people full power and a fair opportunity to form and establish the wisest and happiest government that human wisdom can contrive. I hope you will avail yourself and your country of that extensive learning and indefatigable industry which you possess, to assist her in the formation of the happiest governments and the best character of a great people.”

We wish you all great success and the very best lives.