

ORIGINAL

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COMMENCEMENT ADDRESS

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THE HONORABLE GRIFFIN B. BELL

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ATTORNEY GENERAL OF THE UNITED STATES

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BEFORE

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DUKE UNIVERSITY SCHOOL OF LAW

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SUNDAY, MAY 6, 1979

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DURHAM, NORTH CAROLINA

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P R O C E E D I N G S

ATTORNEY GENERAL BELL: Thank you.

Dean Carrington, other distinguished members of the faculty, members of the graduating class of 1979, ladies and gentlemen:

I thank Dean Carrington for the warm introduction. He left off one thing I did add, when I was talking to that person. I said, "And it does not hurt to be a good lawyer."

(Laughter.)

Mr. Shim, your Associate Dean, advised my staff, and I quote, "A reasonably short speech would be in order" --

(Laughter and applause.)

--- "because the Law School does not wish to impose on the Attorney General."

(Laughter.)

That's a lesson in tact.

I know that he was trying to be kind. In fact, I know that you are eager to be on your way. There is doubtless little that I could say today, that would be long remembered.

Having said this, I do want to add that in the law, as elsewhere, there is a place for brevity, even in graduation addresses. You have now earned entry into perhaps the greatest and warmest segment of our society, the Bar. There is a community of experience, of mind and of spirit, among lawyers, which causes them to gravitate to one another, not only during

1 the work day, but also for discussion, for recreation, and  
2 for relaxation.

3 You may fight this tendency for a while, but  
4 ultimately you will yield to it, and you should do so gladly.  
5 For the Bar is a brotherhood, or, if you will, a sisterhood,  
6 or even a siblinehood, which is justly envied by those outside  
7 of it.

8 Today also marks your accession to the esteem which  
9 our society accords the professional. It is true that behind  
10 the esteem lies a certain ambivalence of feeling on the part  
11 of Americans toward all professions, and none more so than  
12 the lawyer. At the same time that the public acknowledges  
13 our abilities and our learning, many are likely to associate  
14 us with the situations that we are called upon to resolve,  
15 and hence to think of us, at best, as a necessary evil.

16 Do not be disheartened by the negative strains in  
17 the public's attitude. And I may add that last year was one  
18 of the roughest I ever remember. The President made a speech  
19 against lawyers in Los Angeles, and within a month the Chief  
20 Justice announced that half the trial lawyers in America were  
21 unqualified. So I spent the balance of the year defending  
22 the lawyers, and I was glad to do it.

23 In addition to joining the community of the Bar,  
24 and gaining the esteem accorded a professional, you have  
25 earned by your studies the opportunity to reap material

1 reward. Few lawyers become rich from the practice of law, but  
2 none starve. You should never be ashamed that your training  
3 and your sacrifices to this point will enable you henceforward  
4 to earn a comfortable living for yourself and your family if  
5 you choose to do so.

6 Freedom from want is an admirable goal, but I would  
7 caution that you not make material success your primary goal  
8 in the profession. In fact, to do so would tend to be unpro-  
9 fessional, and would risk sacrificing other values, which at  
10 the other end of your career you will perceive to have been  
11 more important.

12 There is another result of your studies which may  
13 not be obvious. Each of you entered law school with a body  
14 of knowledge built up over more than 20 years, but I dare say  
15 in most cases with little idea of how to apply that knowledge  
16 to a career, or what is more important, the business of life  
17 itself. You have gained, at Duke Law School, additional  
18 knowledge of course, but more importantly, you have acquired  
19 a way of thinking which will never leave you, and which will  
20 enable you to cope with most matters which will arise in your  
21 careers.

22 I am speaking, of course, of the legal mind. At  
23 this point, I want to quote one of the better-known jurists  
24 of our time, Judge Henry Friendly: "What, you may ask, is a  
25 legal mind? This is something easier to spot than to define."

1           But I can do a little better than that, and give you  
2 some characteristics, if not a comprehensive definition. A  
3 legal mind is an inquiring mind. It does not accept, it asks.  
4 Its favorite word is, "Why?" It is analytical. It picks a  
5 problem apart so that the components can be seen and judged.  
6 It is selective. It rejects characteristics that are not  
7 significant, and focuses on those that are. It is a classify-  
8 ing mind. It finds significant differences between cases  
9 that superficially seem alike, and significant similarities  
10 between cases that at first seem different.

11           It is a discriminating mind. It has a profound  
12 disbelief in what Professor Frankfurter used to call, "The  
13 democracy of ideas." Of all the fruits of your years at Duke,  
14 the legal mind may well be the most important to you, for it  
15 is your mind, your habit of thought, which sets you apart and  
16 which lies at the heart of everything else that you gain  
17 from being a lawyer. It is the common manner of thinking  
18 which will make you so compatible with other lawyers, and  
19 them with you. It is your ability to question, to analyze,  
20 and to dissect a problem, which makes you worthy of the lay  
21 person's esteem.

22           In sum, you take away from Duke a new way of looking  
23 at the world and its problems, and a claim to the esteem of  
24 those about you. You also fall heir to special responsibili-  
25 ties of the lawyer. I want to impress upon you what I believe

1 to be two of the most important duties of the lawyer.

2 The first of these duties is to render some measure  
3 of public service. It is no accident that many of the leaders  
4 of Government at all levels, and many of the most constructive  
5 contributors to public debate, from outside Government, have  
6 been lawyers. Those very habits of mind which enable a lawyer  
7 to resolve his client's problems in private practice, can be  
8 applied successfully to the resolution of broader public issues.

9 Public service is an important part of the grand  
10 tradition of lawyering in this country, and each one of you  
11 bears a responsibility to prepare yourself for such service,  
12 to seek out opportunities to contribute, and to serve self-  
13 lessly when the opportunity comes.

14 Young lawyers who have worked with me in the law  
15 firm, on the court, and at the Justice Department, have heard  
16 many times my view that, just as one owes his church a tithe  
17 of his material wealth, so does the lawyer owe a tithe of his  
18 talents to the public good. It is our noblesse oblige, not  
19 based on birth, but based on talent. I commend that concept  
20 to you.

21 The second great duty is easily stated, but bears  
22 some explanation. Simply put, the duty is to act professionally  
23 in all that you do. If by chance you do not retain anything  
24 of what I say today, I hope that at least you will remember  
25 something about what I am getting ready to say, in explaining

1 my idea of acting professionally.

2 For me, acting professionally is what brings honor  
3 to lawyering. The first and indispensable characteristic of  
4 professional behavior is intellectual honesty. Lawyering  
5 involves constant disagreement, negotiation, the push and pull  
6 of ideas and argument. The process will not work without  
7 total honesty on the part of all participants. There is no  
8 quicker way to lose one's standing with other lawyers, clients,  
9 or judges, than to shave the truth. There is no room in the  
10 profession for intellectual rationalization of a dishonest or  
11 immoral means, end, or motive.

12 As Abraham Lincoln, a paragon of lawyerly honesty,  
13 once admonished young lawyers, and I quote -- this is what  
14 Lincoln said -- "Resolve to be honest at all events, and if  
15 in your own judgment you cannot be an honest lawyer, resolve  
16 to be honest without being a lawyer."

17 The second characteristic of professionalism is  
18 continuous, intense study. No good lawyer deals from the top  
19 of his head, and no great lawyer restricts his study only to  
20 the law.

21 To emphasize these points, I recall the words of  
22 two great lawyers. First, from Lincoln, on the path to being  
23 a good lawyer. He said, "The mode is very simple," he wrote  
24 to a friend, "but laborious and tedious. It is only to get  
25 the books, and read and study them carefully. Work, work,

1 work, work, is the main thing."

2 Then from Justice Holmes, on the importance of well-  
3 rounded knowledge: "If your subject is law, the roads are  
4 plain to anthropology, the science of man, to political  
5 economy, the theory of legislation, the theory of ethics. To  
6 be master of any branch of knowledge, you must master those  
7 which lie next to it. Thus, to know anything, you must know  
8 all."

9 The third element of professionalism is complete  
10 fidelity to both your client and to the system of justice,  
11 and the ability to discriminate between the two loyalties, and  
12 to accommodate them without slighting either. You are  
13 intuitively aware of the importance which fidelity to your  
14 clients' interests will hold in your professional life. So,  
15 I want to emphasize the equal importance of fidelity to the  
16 system of justice.

17 You may know that Canon VIII of the Code of Pro-  
18 fessional Responsibility expressly places upon the lawyer a  
19 duty to work to improve the system of justice. Do not let  
20 that be a dead Canon in your practice. In this era of over-  
21 crowded courts and much senseless litigation, living by the  
22 Canon will require, among other things, that you faithfully  
23 adhere to the spirit of the content of Rule XI of the Federal  
24 Rules of Civil Procedure. That Rule states that a lawyer's  
25 signature on a pleading is a representation that he knows its



1 contents, that he believes there are grounds for the pleading,  
2 that the pleading is not interposed for delay.

3 The Rule's spirit, I submit, should be applied in  
4 all matters, in the trial courts, in the appellate courts, and  
5 in oral statements as well as in written statements.

6 The final element of professionalism that I want to  
7 commend to you is simple civility in all dealings. We live  
8 in an aggressive and hurried society, and most people do not  
9 make the effort to deal civilly with others. Remember that  
10 a professional does. We take pride in having good manners.

11 And now I must close. I congratulate each one of  
12 you, welcome you to the legal profession, and I wish you well.  
13 As good lawyers, you can make a difference in our society and  
14 in the continuing success of our nation.

15 Thank you.

16 (Applause.)

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