



Department of Justice

COMMENCEMENT ADDRESS

"THE RULE OF LAW AND YOUR LIFE IN THE LAW"

BY

DICK THORNBURGH
ATTORNEY GENERAL OF THE UNITED STATES

TO THE

1990 GRADUATING CLASS
CATHOLIC UNIVERSITY OF AMERICA LAW SCHOOL

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It is a great source of pride for me to join you in observing the finale of your formal legal education. From here on, experience will be your teacher, and a demanding one at that.

I want to extend my warmest congratulations to all of you graduating today. You are, of course, the principals in this exercise, but there are also the amici curiae -- your spouses, families and loved ones who have supported your dedication and hard work toward attaining this law degree. For them a rousing cheer is certainly in order.

Hodding Carter, former spokesman for President Jimmy Carter's state department, unburdened himself in The Wall Street Journal recently on the subject of commencement addresses. He noted that:

"If the speakers are even moderately self aware, they know they are irrelevant and are therefore blessedly brief. If they are so fatuous as to believe that the students assembled hang in fascinated rapture upon their every word, they will be unbearably long."

Somewhere between these two extremes must lie a happy medium. And I am bold enough to try to strike it this afternoon... indeed, I am here and I have no choice!

Let me begin with the obvious.

As always, substantial challenges await this generation -- in large part, from the unfinished agenda of those of us who have preceded you. As you embark on your legal careers, you are entering very exciting and very demanding times. Times of anticipated success and accomplishment, to be sure, but also times of rapid, kaleidoscopic change in our social, political and economic landscape -- all of which makes it difficult to know today, where you may end up tomorrow.

That may be disconcerting to many of you. And, unfortunately, I cannot offer much useful advice on setting a career path and sticking to it. In fact, I may be one of the worst people to talk to on the subject in that, since my own law school graduation, my career has been somewhat akin to that of an itinerant peddler.

Following more of a circuitous, unmarked trail than any clear career path I have been, successively: a corporate lawyer, a federal prosecutor, a high-level bureaucrat in the Justice Department, governor of one of our major states, an academic of sorts, and now, as you know, Attorney General of the United States.

My good wife still says to me, "What do you want to do when you grow up?"

So if you were hoping to hear a commencement speaker who could give you firm and unwavering advice on a game plan for your future ... you're listening to the wrong guy.

On the other hand, for those of you who may be troubled by such uncertainties, I hope my experience can serve as some consolation and help you to understand that any lack of clarity you may be experiencing now stems from the wealth, not the paucity, of opportunities that your legal education offers you.

Given the existence of such uncertainty, however, and perhaps particularly because of it, I think it is important to address some of the specific challenges to law and lawyers which exist in today's world.

My bill of particulars follows.

I

First, there is the challenge created by the rule of law itself. We are so accustomed to affirming that our democracy is "a government of laws, and not of men" that we sometimes forget how often ruling men -- elsewhere in this world -- have overridden or suppressed the rule of law. But of such tyranny, we are dramatically and unavoidably reminded by the political upheavals of this past year. We have seen much of this

hemisphere, all of Eastern Europe, even the Soviet Union itself turning toward democracy, seeking their own version of our "government of laws."

I was vividly reminded of this aspiration during an historic week-long trip to the Soviet Union last fall to meet with leaders in the legal and governmental community there. We met to discuss the rule of law and human rights -- items historically absent from the Soviet agenda. The subjects of our exchanges were basic -- the Bill of Rights, due process of law, the separation of powers, the federal system, our concept of checks and balances, the two party system -- items, in fact, studied, but not always learned, in a basic American high school civics class.

But the implications of these discussions were vast. The "withering away" of the Communist party as a dominant force in the Soviet Union and elsewhere is well under way. New legal, political, social and economic institutions will inevitably spring up to replace those grounded in the now discredited Marxist-Leninist philosophy.

And we -- each of us, and as a nation -- both by example and exhortation, have the opportunity, indeed the responsibility, to offer a meaningful alternative to this awakening world. We must provide maximum exposure to our legal culture and the traditions

of our political philosophy -- so that other nations may emulate democracy's grand design, which is to elevate the dignity of the individual and then respect, absolutely, that individual's rights and liberties.

Sometimes, to be sure, we need to remind ourselves of what Winston Churchill was once purported to have observed: that "democracy is the worst possible system man could devise for governing himself ... except for all the rest"!

But we must also remind ourselves of the abiding commitment this democracy has made to increase individual rights, to assure due process, and to fine-tune our system, so that we maintain that precarious balance between freedom and security that has become the worldwide plumb line of democracy.

A government of laws and not of men? To be sure. But it still takes good men and good women to make it work. So I suggest to you that propounding the rule of law may very well be an important component of your life in the law during this exciting decade and thereafter.

II

The challenges to you as practicing lawyers today are also formidable. Historically, lawyers have not fared well, in either

the literary or the popular sense. Shakespeare's admonition in Henry VI, Part II, to "kill all the lawyers" is not taken literally these days. But it does cause mild murmurs of near approval when coupled with observations that many of our problems seem to come from having "too many lawyers and not enough good ones" -- present company, I am sure, excepted!

As lawyers, we must realize that we each have a vital stake in the integrity of our legal system and must conduct ourselves accordingly in the practice of law. Our aspirations must always be to achieve excellence in our professional endeavors, and this demands care and precision, far more tedium than theatrics. When I was an active trial lawyer, I became acutely sensitive to the image the public received of our profession from television and the movies -- not media of great subtlety!

Contrary to the images conveyed by L.A. Law and its counterparts, for example, most effective litigation in this nation today is carried out not through courtroom histrionics, but by legal craftsmen who -- like all other good lawyers -- carefully prepare and try their cases so as to extend the frontiers of the law on behalf of their clients and the public.

My greatest satisfactions as a prosecutor came, in fact, not from jailing racketeers and corrupt officials through courtroom legerdemain, but from fashioning legal arguments that extended

the application of environmental laws against industrial pollution of our local rivers within my home state of Pennsylvania.

We are engaged in a like effort at the Justice Department right now, as we prosecute Exxon in the case of the tanker spill that polluted Alaska's coastline. In utilizing new federal provisions for alternative fines, we are opening up an entirely new area of environmental law -- one that could result in levying penalties far more commensurate with the actual damage done the planet.

I hope that as lawyers you will similarly seek to extend the law for the public good -- whether you serve as prosecutors, or tax lawyers, or civil rights advocates, in whatever practice you choose. You, and the nation, will be the beneficiaries of such a commitment.

III

Finally, what about challenges to you as individuals?

I see them as complex and demanding but, ultimately, of great promise. First, I would demand that you give over some part of your quest for individual self-fulfillment -- for financial security, professional distinction, for prominence in

whatever field you choose -- toward furthering those sound values that can enrich the lives of others about you.

Life is not just about getting and keeping in either the material or the personal sense.

To the extent that you commit yourself to sharing and giving to others of your talents, your resources, your care and compassion, then to just such an extent will you grow in your own sense of self-esteem and inner peace.

Some of you, I expect, will find careers in public service, as I have. A future governor, senator or president may be among you. But holding high political office is not the only -- nor necessarily the most important -- constructive goal for citizen involvement. Indeed, more meaningful governance often takes place on the local school board or town council than in the rarefied atmosphere of our state or national capitals.

And, as many of you already know from personal experience, our tradition of volunteer activity still constitutes one of the unique strengths of this nation. Volunteers make a special contribution, in ways unknown and alien to most of the world, toward the welfare of those facing misfortune or disability or other hampering needs in our society.

And today there are plenty of challenges to which you can apply your talents. They range --

- * From reestablishing personal and societal value systems which can eventually conquer what the President has rightly called "the scourge of drugs" ... to the strengthening of the family as an institution of worth in our society.
- * From achieving a higher marketplace ethic ... to a renewed emphasis on making things rather than making deals.
- * From finding technologies to deal with the everyday problem of waste disposal ... to the devising of cures for cancer and for AIDS.
- * From the further, and ultimately, we hope, complete, elimination of barriers based on race, religion, ethnic origin, gender and disability ... to the seemingly simple, but in fact highly complicated, matter of balancing a national budget.
- * From neighborhoods free of violent crime ... to a world free from the terror of nuclear weapons.

The contributions which you as lawyers -- and as caring citizens -- can make on your own will demand your very best. Moreover, as advisors and counselors to other individuals and institutions, you will frequently have a role to play as the "conscience" of your clients. And this will also require that you apply your own sound standards to the resolution of their problems.

But for all these challenges, you have been well prepared. You have acquired a unique set of intellectual tools for the practice of law. You may now enter upon a professional career that can bring future pride to you, your family, your professors and your community.

Members of the class of 1990:

We salute you, and we wish you well. In welcoming you to this honorable profession, I want to recall to you those other lines from Shakespeare, which everybody seems to forget, that he wrote in tribute to lawyers. Appropriately enough -- now that we welcome so many women as well as men to the bar -- they are from The Taming of the Shrew.

"Do as adversaries do in law," says the Bard,
"Strive mightily, but eat and drink as friends."

Good advice that is well seconded by Harrison Tweed, one-time President of the Association of Bar of the City of New York, who said long ago:

"I have a high opinion of lawyers. With all their faults, they stack up well against those in every other occupation or profession. They are better to work with or play with or fight with or drink with than most other varieties of mankind."

May it ever be so!