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Subseries:

OA/ID Number: 1295

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Folder Title:

Michigan Law School - Commencement 5/15/93

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COMMENCEMENT ADDRESS OF ELI SEGAL
MICHIGAN LAW SCHOOL
MAY 15, 1993

Dean Bollinger, ~~my good friend and former co-counsel~~
~~Both of us~~, members of the seedling class, parents and friends.

Thank you, Dean Bollinger. It has been
twenty-six years since I last stood on this stage. My
role in that ceremony was confined to shaking the
Dean's hand, and I was nervous about that -- so you
can imagine how I feel today.

So many things have come full circle for me
today. I graduated in 1967, summa cum fortuna, ^{Latin for} ~~that~~
"with great luck" -- and without the slightest
distinction or honor.

I see Professor Kauper here. I hope that he does not remember this, but I took his Property course. Even with his eloquence and learning, and my occasional attendance, I never quite learned what a perpetuity was, or why we needed a rule against them.

My first real job following law school was working for the Presidential campaign of Eugene McCarthy -- not a particularly auspicious start. I didn't learn my lesson, though, because I have been trying to help Democrats win the White House ever since. Like Michigan in the Rose Bowl, though, I couldn't win the big one.

You can imagine my astonishment when my friend Bill Clinton was willing to look beyond my 0 and 7 record to ask me to be his chief of staff in the campaign, and my delight at improving my record to 1 and 7. And as if to prove that I was no longer cursed, Michigan even won the Rose Bowl this year.

Indeed, I might even become a better student this year. I understand that the Law School is considering adjusting its brutal grading curve. I am all for this reform -- provided that for me, and ~~today's~~^{you} ~~of my class~~, the change is made retroactive.

My feeling of circling back on the past has a more serious aspect, as I return to the campus where in 1960 -- even before my time -- a Presidential candidate named John F. Kennedy first gave voice to the idea of a Peace Corps.

The circumstances did not hint that history was about to be made. Kennedy wasn't supposed to speak at all, but a crowd of about 10,000 had gathered in response to rumors that he would. He did not arrive until two in the morning. To show you how much has changed, women were there only because the Dean lifted the rule that said they -- and not men -- had to be in their dorms by midnight.

Students were pretty much the same then as they are now, so you can imagine what a crowd of 10,000 might be like at two in the morning, having waited for hours for a politician to show up. The crowd was hopeful, but rowdy too, and when ^{candidate} Kennedy finally showed up, they gave him a bit of a hard time. There were even some Nixon placards being held up.

A lesser person would have responded by thanking the crowd for their long wait. Instead, Kennedy told them that they had not yet done nearly enough. He asked how many of them were willing to do something real for their country, to take their education and use it to serve their country instead of themselves.

Two years later, Michigan students were among the first Peace Corps volunteers in Thailand.

President Kennedy's call to service was powerful because it wasn't an order, but a challenge. It did not invoke the power of the law to require virtuous conduct; instead it argued directly for virtue itself.

In a much less eloquent way, that is what I wish to do today. The fact is, some things are too important to leave to the law. Among those things is justice itself. ^{Let's be honest & admit} ~~We must start by acknowledging~~ that our legal vocabulary of rights and prohibitions is too impoverished to make a full account of our responsibilities to each other. The law allows conduct that is wrong, and requires far less than what is right. According to the law, we must stop at red lights, but we may allow Somali children to starve to death.

One way to deal with the gaps in our laws is to write new laws. When I attended ^{the Univ. of Michigan} ~~this~~ law School, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 marked enormous and essential strides forward in our nation's commitment to civil rights. But did they completely solve the problems of race relations in our country? You need only look to Los Angeles -- or, ^{nearly in} Detroit -- to see that these laws were not enough. And even if all discrimination ended today, we would still live in a country where, on average, the quality of your education, your job, your housing, and your health care varies with your skin color.

To correct each of these injustices, imaginative and public-spirited attorneys have sought to coin new individual rights. So on the frontiers of legal thought, we now have arguments that there is a right to education, a right to housing, a right to health care, and even a right to be free from words that are insulting or discomforting.

I believe fervently in these goals, but I know that we will not accomplish them by merely changing the law. Rights are demands based in justice -- but they are demands nonetheless. If we fail to explain how and why justice requires action, such demands look like just another version of interest group politics. If we change laws without changing minds, we can expect only hostility -- and an army of lawyers looking for loopholes. The battle lines are drawn, and the sense of responsibility that moved the law's creators is chased from the ^{minds & then from the} hearts of those who must bear the brunt of the legislation.

Some rights require immediate vindication.

For example, the Civil Rights Acts of the 1960s were long overdue. But there is an old saying that if your only tool is a hammer, you tend to see every problem as a nail. I ask you, as lawyers and as citizens, to recognize that compelling behavior through the creation and enforcement of laws is only one way to solve a problem.

President Kennedy's words show the power of challenging, rather than compelling, Americans to do the right thing. He made people feel like volunteers in -- rather than victims of -- social justice. That kind of challenge directly taps our feeling of responsibility for our neighbors; it makes a claim for justice that exists quite apart from the dictates of our laws. If we can persuade our fellow citizens that justice genuinely demands action, we will need fewer laws. If we cannot persuade them, no number of laws will ensure justice.

It is instructive these days to read the Yugoslavian Constitution, supposedly the supreme law of the very Serbs engaged in barbaric ethnic cleansing. That Constitution states that all people are equal, and have freedom of speech and assembly and religion. Furthermore, it establishes that all citizens expressly have a right to education, health care, privacy, employment and due process. They are even guaranteed that other citizens may not use their rights to "stir up national, racial or religious hatred or intolerance."

The chilling disconnection between Serbian law and reality makes very clear that there is more to justice than putting words on paper; that what is in the hearts of a people will always be more powerful what is in their lawbooks.

By now, you're probably wondering what all this has to do with Law School graduation, except possibly as an argument for cancelling the ceremony altogether. But I am actually prepared to make precisely the opposite argument. I believe that the limits to the law's effectiveness make the jobs of lawyers infinitely more interesting and important.

These days, lawyers are involved whenever problems are solved -- from a local contract dispute to national welfare reform. A good lawyer will tell a client precisely what the law requires, and what it allows. But in time, a computer may be able to do that. A great lawyer -- the kind that this Law School turns out -- also offers judgment that transcends the letter of the law. And I am not speaking only of those who go into public interest law. All of you -- perhaps particularly those who join large private law firms -- will have special access to people who make decisions that shape society. I urge you to be a voice for justice. For as John Pickering said at last year's commencement, "lawyers are dangerous people when they are true to the ideals of their profession."

The great civil rights worker Fanny Lou Hamer used to tell the story of the wise old man and the two little boys who thought they were very clever. They decided they would fool the old man by catching a small bird and cupping it in one boy's hands. They would then bring it to the old man and say: "old man, we have a bird in our hands. Is it alive or dead?" Their plan was that if he said the bird was dead, they would release it and let it fly away. If he said it was alive they would crush it and show him the dead bird. But when the boys brought the bird to the old man and asked him their question, he answered^{simply} "it's in your hands."

Today, we celebrate how much is in your hands. You are leaving your formal education, and with it the comforts of following a well-trod path, where success and failure are neatly measured by grades.

Now you can and should set your own standards for success. I would guess that half of the people in this class once dreamed of being President of the United States. In college, perhaps, that dream was whittled down to being a United States Senator. Now, you think you might serve in the House of Representatives if you can pay off your student loans before it is time to retire. The world can chip away at our dreams.

But I think there is a way of letting the best part of those dreams live on. It cannot be in the pleasure of outdistancing your neighbor. If you find your glory in exceeding the achievements of others, and you succeed, you will find out that it is indeed lonely at the top. If you fail, you will have spent a lifetime looking up the ladder, focussing only at those above you. But your dreams are within reach if you are ready to conceive of success ^{in terms of} service to others. //

When President Clinton calls us to service, he likes to quote Martin Luther King's words that "everyone can be great because everyone can serve." These words do not mean simply that the seeds of greatness are within each of us as individuals. They also mean that greatness through service is not a scarce commodity -- that great people, unlike great law students or great basketball players, are not measured by the distance between themselves and ordinary people. Great people are measured by the lack of distance between themselves and others.

This truth is as old as the Bible, which explains that if "I have . . . all knowledge . . . that I could remove mountains, and have not charity, I am nothing." Or the Koran, which tells us that "wealth [is an] . . . adornment of this present life; but good works, which are lasting, are better." Or Moses Maimonides, who tells us that the highest form of charity is to make it unnecessary by preventing poverty.

Greatness is hard to measure, especially for a new lawyer. Law schools turn out both heroes and scoundrels. I know of one lawyer who lost one of his first criminal defense cases, and saw his client put to death. I know of another who lost a large civil judgment, and almost forced his client into bankruptcy. I know of a third who was himself arrested and tried for treason. Those lawyers were Abraham Lincoln, Mahatma Ghandi, and Nelson Mandela. Their later triumphs came because their passion for justice was kindled, rather than defined, by their training as lawyers.

There are other lawyers, whom I will not name, who have become famous and rich for their shrewdness on behalf of their clients. Washington is full of them. And yet, at the end of their lives I don't know if they can say more than that in the great battles of their ^{time} ~~lives~~, they chose sides at random, depending upon who walked in the door first with a suitable amount of money.

I am afraid that there is something fundamentally wrong with our values when, as the National Law Journal reported recently, a fifth-year associate at a New York law firm earns more than the Attorney General of the United States; a sixth-year earns more than the Dean of this Law School, and a seventh-year associate earns more than the Chief Justice of the United States Supreme Court.

Because I wish you rich lives, not merely rich lifestyles, I urge you to find your greatness in service.

As lawyers, I urge you to find causes as well as clients. The one thing that made me feel like I belonged in this law school was working at Washtenaw County Legal ~~Services~~ ^{the And Clinic just before the Michigan Clinical Law Program was founded in 1968}, helping women obtain restraining orders from abusive husbands and boyfriends. ^{projects like the Urban Communities Program are} Providing legal services to the ^{or supporting} ~~unrepresented~~ ^{unrepresented} ~~is the best~~ way to prove to your community -- and yourself -- that lawyers really are a force for justice.

As citizens, I urge you to be a voice for justice when even the law is silent. In the life of your neighborhood, or state or nation, be an advocate for all that fairness and compassion -- not just the law -- require.

As people, I urge you to acts of service that rely upon your humanity, not your education. Don't let your diplomas obscure your compassion. Visit with the elderly. Tutor a child. Read to the blind.

Find a way to make a difference in one life,
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One model of service on a human scale is your
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I hope one of you will be up here speaking 26 years from now. The lucky one will be just that -- lucky. If my appearance today is any indication, it will be someone whose grades are badly in need of inflation. But it will be only one of you, just as only one or two of you are going to be Senators.

For the rest of you, I wish the greater satisfaction of having served others. It is the collection of you, not any individual, who will accomplish great things. Robert Kennedy explained it best when, speaking in South Africa in 1966, he said that "each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

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Go forth_^ and make waves.

DRAFT
5/13

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You can imagine my astonishment when my friend Bill Clinton was willing to look beyond my ^{and} 0⁷ record to ask me to be his chief of staff in the campaign, and my delight at improving my record to 1^{and} 7. And as if to prove that I was no longer cursed, Michigan even won the Rose Bowl this year.

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I urge each of you to service that reflects our shared responsibility for our communities. As lawyers, I urge you to find causes as well as clients. Only lawyers can make the law serve the interests of justice. As citizens, I urge you to be a voice for justice when even the law is silent. In the life of your neighborhood, or state or nation, be an advocate for all that fairness and compassion -- not just the law -- require. Finally, as people, I urge you to acts of service that rely upon your humanity, not your education. Don't let your diplomas obscure your compassion. Visit with the elderly. Tutor a child. Read to the blind.

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Go forth and make waves.

TELECOPIER TRANSMITTAL SHEETDRAFT
5/9

Eli - A very good
speech w/ good editing
from Annie (except
p. 8). I have left it
alone, although I'd do
some things if you want
anything specific re done

May 10, 1993TO: Eli Segal

FROM: ARNOLD KANTER

NUMBER OF PAGES INCLUDING COVER SHEET 12ADDITIONAL INSTRUCTIONS: E a few suggestions.

I don't think the speech needs a lot of
humor. It's good on the merits. I'll be
around until 6 or so your time, if you
want to talk.

Annie

If you are not receiving material, please call 708-864-7657 as
soon as possible.

Automatic receive: 708-864-7672

~~SECRET~~

P. 2/12

~~SECRET~~

I REGAL

~~Latin word for hawk
that is with hawk, but~~

that ~~and~~ so you can imagine how I feel today.

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Presidential campaign of Eugene McCarthy, ~~which turned out not to~~
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though, ~~and every four years~~ ^{because} I have tried to help ~~a~~ Democrats ~~win~~ ^{win}.



to ask me to
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friend Bill ^{stable} in the
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~~OK~~ ^{OK} → In a much less eloquent way that is what I ^{want} ~~wish~~ to do today. The fact is, some things are ^{just} too important to leave to the law. Among those things is justice itself. ^{We must start} ~~We must admit~~ ^{by} ~~that~~ ^{acknowledging that} our legal vocabulary of rights and prohibitions is too impoverished to make a full account of our responsibilities to each other. ^{As a result,} The law allows conduct that is wrong, and requires far less than what is right. According to the law, we must stop at red lights, but we may allow Somali children to starve to death.

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The chilling disconnection between Serbian law and reality makes very clear that there is more to justice than putting words on paper, ~~and~~ that what is in the hearts of a people will always be more powerful ^{than what is} ~~than the regulations~~ in their lawbooks.

By now, you're probably wondering what all this has to do with Law School graduation, except possibly as an argument for cancelling the ceremony altogether. But I am actually prepared to make precisely the opposite argument. I believe that the limits to the law's effectiveness make the jobs of lawyers infinitely more interesting and important.

These days, lawyers are involved whenever problems are solved -- from a local contract dispute to national welfare reform. A good lawyer will tell a client precisely what the law requires, and what it allows. But in time, a computer ^{may} ~~will~~ be able to do that. A great lawyer -- the kind that this Law School turns out -- also offers judgment that transcends the letter of the law. All of you -- ^{perhaps} ~~and~~ particularly those who join ~~large~~ private law firms -- will have special access to people who ~~make~~ ^{cause that counts} decisions that shape society. I urge you ^{to be} a voice for justice. ^(come)

And I am not speaking only of those who go into public interest law.

For as John Pickering put it at last year's commencement "lawyers are dangerous people when they are true to the ideals of their profession."

The great civil rights worker Fanny Lou Hamer used to tell the story of the wise old man and the two little boys who thought they were very ^{clever} ~~smart~~. They decided they would fool the old man by catching a small bird and cupping it in one boy's hands. They would then bring it to the old man and say: "old man, we have a bird in our hands. Is it alive or dead?" Their plan was that if he said the bird was dead, they would release it and let it fly away. If he said it was alive they would crush it and show him the dead bird. But when the boys brought the bird to the old man and asked him their question, he answered "it's in your hands."

I on today, ~~of all days~~, we celebrate how much is in your hands. You are leaving your formal education, and with it the comforts of following a well-trod path, ^{on which} ~~where~~ success and failure are neatly measured ^{by grades} ~~on a report card~~.

Now you can and should set your own standards for success. I would guess that half of the people in this class once dreamed of being President of the United States. In college, perhaps, that dream was whittled down to being a United States Senator. Now, ^{perhaps} you think you might serve in the House of Representatives ^(could encourage to) if you ~~can~~ pay off your student loans before it is time to retire. The world has a way of chipping away at our dreams.

But I think there is a way of letting the best part of those dreams live on. It cannot be in the pleasure of outdistancing your neighbor. If you ^{seek} find your glory in exceeding the achievements of others, ^{if you succeed} you will ~~never~~ find out that it is ^{and if you fail, you will} ~~quite~~ lonely at the top -- ^{on} ^{above you} or spend a lifetime looking up the ladder, focussing only ~~on~~ ^{on} those ~~you have not climbed past~~. But your dreams of glory are always within ^{your} reach if you are ready to conceive of success as service to others.

Koran - shot with original

words of

When President Clinton ^{speaks of} ~~calls us to~~ service, he ^{calls upon the} ~~quotes~~ Martin Luther King ~~says that~~ "everyone can be great because everyone can serve." ~~These words do not mean simply that the seeds of greatness are within each of us as individuals. They also mean that greatness through service is not a scarce commodity. That great people, unlike great law students or great basketball players, are not measured by the distance between themselves and ordinary people. (To the contrary, truly) Great people are measured by the lack of distance between themselves and others.~~

Keep original.

This truth is as old as the Bible, which explains that if "I have all knowledge; and . . . could move mountains, and have not charity, I am nothing." Or the Koran, which tells us that "wealth [is an] . . . adornment of this present life; but good works, which are lasting, are better ⁱⁿ ~~in the sight of the Lord~~." Or Moses Maimonides, who tells us that the highest form of charity is to make it unnecessary by preventing poverty.

Don't let your diplomas ^{obscure} your compassion.

This kind of success is hard to measure, especially for a new lawyer. The world is familiar with the kinds of heroes, and scoundrels, that law schools graduate. I know of one ^{lawyer} who lost one of his first criminal defense cases, and saw his client put to death. I know of another who lost a large civil judgment, and almost forced his client into bankruptcy. I know of a third ^{three} who ^{himself} arrested and tried for treason. Those ^{three} lawyers were Abraham Lincoln, Mahatma Ghandi, and Nelson Mandela. They ^{achieved greatness} ~~because~~ ^{came} because their passion for justice was ^{kindled} ~~inspired~~, rather than defined, by their training as lawyers.

There are other lawyers, who I will not name, who have become famous and rich for their shrewdness on behalf of their clients. Washington is full of them. And yet, at the end of their lives ~~I don't know if~~ ^{little} they can say more than that in the great battles of their lives, they chose sides at random, depending upon who walked in the door first with a suitable amount of money. ^(I am ahead) ~~There is something fundamentally wrong with our values when as The National Law Journal~~

I urge each of you to service that reflects our shared responsibility for our communities. This includes each and every one of you taking time to provide legal services to the ~~unrepresented~~ ^{at risk} ~~unrepresented~~ ^{unrepresented}. But I also urge you to provide service that relies upon your humanity, not ^{only} your education. Visit with the elderly. Tutor a child. Read to the blind.

reported recently a fifth year associate at a New York law firm earns more than the attorney general of the United States, a sixth year associate earns more than the dean of this law school and a seventh year associate earns more than the Chief Justice of the United States ^{Supreme Court}.

And it means offering judgment that goes beyond the letter of the law when justice requires it.

Find a way to make a difference in one life, not just abstract hundreds or thousands of lives. Find a way to talk with a person who has less than you. They're not scarce. In serving another, you will find your best self, and a way of looking at the world that you will not forget when it is time to return to your legal practice.

One model of service on a human scale is your parents. I promise you that only at your own childrens' graduations will you understand just how full of love and pride your parents are today. I hope that sometime in this busy day you will find a quiet moment to share with them, and to show, with or without words, that you know that your degree is their achievement too.

I hope one of you will be up here speaking 26 years from now. ^{whoever that is} ~~the~~ lucky one ^{is} will be just that -- lucky. If my appearance today is any indication, it will be someone whose grades are badly in need of inflation. But, ^{in any case,} it will be only one of you, just as only one or two of you are going to be Senators.

For the rest of you, I wish the greater satisfaction of having served others. It is the collection of you, not any individual, who will accomplish great things. Robert Kennedy explained it best when, speaking in South Africa in 1966, he said that "each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Go forth and make waves.