

Members of the Class of 1994, 18 years ago, I sat where you are sitting now, and you honor me greatly by asking me to be with you today. I've learned over the last few years, over the last few days, that the invitation for me to speak generated some controversy. It's nice to know that Stanford hasn't changed. Well, it has changed a little. I was told last night that Stanford finally is demolishing the trailer park. However, I have to point out that when I was a graduating senior, the commencement speaker used approximately the same line. And I fear that maybe 25 years from now when you come back to see your own children graduate, that the commencement speaker will again say Stanford finally is demolishing the trailer park.

Now, I was asked what I was going to say today, and I said that the problem with the commencement address is you have to be both witty and inspiring, and I have little experience in being either. Indeed, one of the risks of inviting a lawyer to be your commencement speaker . . . Well, there's an old story about two people who were in a balloon. They were taking a balloon trip and they ran into a terrible storm. They were blown off course, their compass was lost, they didn't know where they were. Finally, the storm subsided and they began coming down to the ground, and they saw a man walking along the road, and they shouted down from the balloon, "Excuse me, sir. Can you tell us where we are?" And he looked up and said, "Of course, I can. You are in a balloon." And one of them turned to the other and said, "I know that man is a lawyer because what he said is completely accurate and absolutely useless."

Being here on your graduation day evokes so many fond memories for me. As the president mentioned, I wrote a weekly column for the *Stanford Daily*. Last night at dinner I ran into Richard Lyman, who was the president of the university when I was a student, and I was very distressed to learn that he remembered none of my columns attacking him. I would like to have thought I made a bigger impact then. Evidently, I did not. He asked me what did I attack him about, and I realized I couldn't remember. But nevertheless, I'm confident that I was right.

And from what I understand, the *Stanford Daily* is much the same - it's still always confident that it's right. I was recently looking through some back issues of the *Stanford Daily* in an effort to figure out what were the big issues on campus my senior year, and I discovered there was an issue other than grading that was important then. It had to do with money. Eighteen years ago, we were convinced, absolutely convinced, that the Stanford we knew was about to be destroyed, that only the rich would be able to afford to attend, because of the faculty decision to push yearly tuition above \$4,000 a year.

Fortunately, we turned out to be wrong. Stanford is still a magical place, a marvelously diverse place, and the Stanford experience, like the Stanford degree, will open doors that I, at least, as a student was unable to imagine. The very name Stanford carries some magic, even if at times the magic is of the wrong kind. During my own freshman year, the parent of one of my dorm mates, upon hearing the full name of the school - Leland Stanford Jr. University - exclaimed in surprise, "You mean to tell me we're spending all this money to send you to a junior college?"

But of course the name Stanford is much in the news lately, because of this marvelous debate over the grading system. Now, I must say that when I read about the forthcoming change in the drop rules and the return of the F, I shed a small tear. Not so much of nostalgia but of regret. You see, I always knew that your generation was wiser than mine, but until this controversy, I didn't realize how much wiser. In my day, we also over-used the rule allowing us to drop courses right up to the final exam, but we used it to avoid getting C's and D's. The idea of using it to avoid getting a B is a marvelous one that I wish had occurred to me.

But enough of my reminiscences. After all, this is your day, and as you may or may not have noticed as you sit here in June of 1994, you sit here at a fascinating confluence of anniversaries - times to remember people who fought hard, often making the ultimate sacrifice in causes they believed to be just. Consider this: Six days ago, we celebrated the 50th anniversary of D-Day, the Allied invasion of Europe during World War II, a war that was fought with courage and honor and for the good. Many veterans of that war are probably here in this stadium today, some among faculty, some among your families and friends, and they deserve from the rest of us honor and homage.

Now let me speak to another anniversary. Just one month ago we celebrated the 40th anniversary of the Supreme Court's landmark decision in *Brown vs. Board of Education*, which struck down school segregation as unconstitutional, and marked the start of a new era in the nation's consciousness, and later this year, by a happy coincidence, we celebrate the 30th anniversary of the Civil Rights Act of 1964, which marked the high point in the nation's formal legislative commitment to equality. The civil rights movement that resulted in those two great victories was another war, also fought with courage and honor. Some veterans of that war, too, are doubtless in the stadium today, and they also deserve from the rest of us honor and homage.

And then there is an anniversary of a different kind. Twenty years ago this summer, Richard Nixon resigned as president of the United States. This took place at the end of the Vietnam conflict, an unpopular and exhausting war, and one it must be said that I, like the rest of my generation, largely opposed, and yet a war also fought with courage and honor. Many veterans of that war are surely with us in the stadium this day, and they also deserve from the rest of us honor and homage.

All of which brings us to the present, 1994. One day another commencement speaker will stand on the podium; 10, 20, 30, years from now, and go back over those same anniversaries: We fought a great war in 1944 abroad; 1954 and 1964 at home; and so on. And then the speaker will come to 1994, and the question will be, "What war for the good was being fought at home or abroad by the American people in 1994?" Let me suggest to you there's no easy or obvious answer to that. If you look at American society today, you see a society that is at once deeply fractured and terribly smug. America approaches the 21st century in a dangerous complacency - self-satisfied, a bit middle-aged, a nation that believes in all too little except for the inevitability of our own divisions and disagreements. We are far better at giving names to each other - the Religious Right, the Lifestyle Left - than we are at sitting down and looking for areas of consensus prior to the hard work of thrashing out our differences.

You've heard those names, you've heard others. Consider the impossibility of enabling a frank conversation between committed advocates of different sides of the abortion issue. Again, there our

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public square suffers quite famously from the depressing rhetoric of demonization, and always familiar with the wearying script. On the one side you have the religious zealots who oppress women and murder doctors. On the other side you have the baby killers who perpetrate America's own holocaust. This is the way we talk about each other in America today because talking about each other this way, demonizing those who disagree with us, is far easier, far easier, than sitting down and talking.

Our tendency to see each other in these categories and then to place those categories in opposition carries terrible costs. When we make dialogue impossible, that leads to moral and political disaster. Opinion surveys tell us that eight out of 10 Americans believe things have gone badly wrong in our nation; that the spiritual, moral compass is missing. And all too many of us, and I confess I'm often in this group, act as though we're simply afraid to pass judgment on anyone else.

No society, however, has ever survived the collapse of moral consensus. No conceivable society could ever survive the unwillingness to judge. I think that's why our public moral debates are so contentious, because we recognize there is much at stake. We recognize that we do have to pass judgments. We recognize we do have to acknowledge moral truths. And so the bitterly divisive question is who gets to decide which moral truths will be ascendant.

Now, I must confess to you that moral certainty frightens me. It is the human habit — and not the exclusive propensity of any political movement — that those who are morally certain tend to misbehave. We're told that most of the saints tended toward bad temper. But if we feel today that there are fewer saints than there once might have been, we certainly have no shortage of people who share the characteristics of moral certainty, foul temper and consequent misbehavior.

Moral certainty can be a marvelously progressive force. Moral certainty gave our nation the willingness to fight against fascism and genocide abroad during World War II, against racial segregation at home during the civil rights movement. Moral certainty can also be horribly oppressive. After all, Pol Pot and the perpetrators of the Inquisition were morally certain, too.

But the potentially oppressive nature of moral certainty must not mean that we refuse to act on what we believe. The legal scholar Michael Perry has written, and I quote, "Although we must resist infallibilism, at any given moment our convictions are what they are." In other words, while we must always be careful to recognize the possibility of error in our most cherished beliefs, we must also be willing to act on what we most fervently believe. And therein lies a small tale. A couple of years ago, my wife and I decided that the time had come for the children to take up a team sport. During these discussions I happened to turn on a professional football game, and I was struck by something that I had often noticed but on which I had never reflected. One of the players, the ball was thrown in his direction, he failed to catch it, but he jumped up and celebrated as though he had caught it, and then ran back to the huddle before the officials had a chance to confer so his team could run the next play. What was the comment from the broadcasters? The broadcasters said, "What a heads-up play." They did not say, "Wow, what a liar that kid is."

Imagine for a moment that that player had gone to the referee and said, "I'm sorry, sir. I did not make the catch. Your call is wrong." Probably his coach and teammates would have been furious. He would not have been a good team player. Thus, the ethic of this particular national sport turns out to be an ethic that rewards cheating. Don't get me wrong, I'm still a great lover of football, but I'm troubled by our celebration of success in a sport through breaking the rules and essentially lying about it.

And so, when I wonder about what war ought to be going on in 1994, let me make a rather modest proposal. What about a war to restore or, perhaps for the first time, bring integrity to American life? You see, if we lack integrity, the rest of our beliefs don't matter. If you lack integrity, it doesn't matter what your moral or political positions are, because you will be unable to live them out. That is what integrity means. Therefore, perhaps we could commit ourselves jointly to a war fought on two fronts — a war in which we commit ourselves to live with integrity; and also, it is often forgotten, a war in which we struggle to create a society that allows others to live with integrity as well.

Let me offer you a definition of integrity, and let me hasten to add that I do not consider myself any exemplar of the virtue I'm about to describe. Like most others I find myself in a daily struggle to live with as much integrity as I can. To possess a true integrity, I suggest, it requires three steps: First, you must know what it is that you believe. Second, you must be willing to act on the basis of what you believe. And third, perhaps hardest of all, you must be willing to say openly that you are acting on the basis of what you believe.

None of these steps is easy, for without fulfilling all three, it is impossible to lead what might be called an integral life, and if you do not lead an integral life, starting now, today; not tomorrow, then your life lacks the passion and the spirit that make life worthwhile. I don't mean to suggest that integrity is the only element of good character, but without it, without the willingness to stand up for one's beliefs, the rest of a moral universe is utterly wasted.

Too many of us, I fear, fall down on step one. We do not know and often we do not want to know what it is that we most value. Often it's much easier to follow the crowd, to look the other way. We refuse to look, to think in terms of right and wrong when we elect or reject political candidates based on what they will do for our own pocketbooks. Too often we find it easiest to go along with the latest trends, rather than risk the opprobrium of others by registering an objection. Social psychologists say that this all-too-human phenomenon of wanting to go along with the crowd, of not wanting to think independently, is what leads to mob violence. Therefore, each of us to be a public-spirited citizen must determine what we most deeply believe before it's possible to live with integrity.

Let me give you an example of that determination. Earlier this year an American citizen was punished in Singapore by caning for what many Americans consider a minor offense. There was enormous anger which I shared, and great sympathy for him and his family. But unpacking your beliefs means not stopping with your feeling of anger. After all, you have to track down what the principle is, and if the principle is that only an American should not be punished that way, then it's simply imperialism. If, on the other hand, the principle is that no one should be punished that way, then you should not

need an American to be punished before you get mad about it.

Living with integrity requires making that kind of determination. But the second step is also tough, because it's often far easier to know what one believes than to do something about it. I know many people who believe that the homeless are entitled to charity, but never dispense it. They walk right by people on the street, ignoring them while complaining that society will do nothing about homeless people. We have remarkable capacity in our lives to say one thing and do another, not always out of hypocrisy but out of lack of self-assurance. The late legal scholar Robert Cover made this point quite powerfully when he examined the very puzzling question of how it was that avowedly anti-slavery judges in 19th-century America could hand out obviously pro-slavery decisions. Equally puzzling to many political activists is their inability to recruit support from people they know to be committed to their causes who frequently explain that they simply don't want to get involved.

But in order to live with integrity, you have to take that step, you have to get involved. I do not mean that a citizen living with integrity must be an activist with respect to all of his or her beliefs, but I worry deeply about the number of us who are willing to drift through life being activists on behalf of none of their beliefs.

This leads to the third step, deceptively simple but often hardest of all. To live an integral life it is not enough to act consistently with what you believe, but one must also say that that is what one is doing. What made the civil rights movement great was precisely the willingness not only to state a belief and live it, but to be very open and public about the fact that that was what one was doing.

To take a different example, fairly common, it does not promote integrity to cheat on your taxes out of greed, but to claim to be doing it as a protest. Nor does it promote integrity to do it as a protest and not tell the Internal Revenue Service that that's why you're doing it.

It's the life that's lived with integrity that creates the possibility of public and open dissent, and it's public and open dissent that has made our nation great. Not conformity, but difference.

Now those are the steps that are required to live an integral life, and they require a great deal, I recognize. So why do I then place this additional burden on you? Why do I insist that we must equally struggle to see to it that the nation makes it possible for others to live with integrity? Well, I told you integrity can be oppressive, and if your integrity prevents others from living with integrity, then it may be the wrong kind of integrity. Let me illustrate by means of a story. As Gerhard Casper mentioned, I had the very great privilege of serving as a law clerk for Justice Thurgood Marshall of the Supreme Court. I also spent much of the last year of his life working with him on an oral history project and listening with fascination and simple joy to the marvelous story of his life.

Justice Marshall was a wonderful storyteller and most of his stories were intended to inspire, to uplift, or simply to amuse. But one story was different. One story was chilling. I heard it more than once. The last time was at a banquet just five months before Justice Marshall died, a banquet up in San Francisco, and the story for me, and I think for Thurgood Marshall, too, captured the principal point of what the civil rights movement was all about. I will tell the story. Obviously, I can't tell it with Justice Marshall's flair, but I will use as many of his words as possible.

During the time that he and other lawyers for the NAACP Legal Defense Fund were handling criminal and civil rights cases throughout the South, he happened to stop in a small town for a fundraiser. When his formal remarks were over, he was taken aside by a black man from the audience. "Lawyer," said the man. "Yes," said Marshall. "Lawyer, you're educated. You've been to college." "Yes, I have," said Marshall. "Well, then tell me, do you know anything about this thing called reincarnation?" "A little bit," said Marshall. "Well, if you do," the man said, "and it's true, there's something you ought to arrange for me. I want you to fix it so if I come back, I can make it as a pig or a goat or a cow, anything but a Negro."

"Anything but a Negro" — that's what the man said. Now, Justice Marshall, by his own account, was stunned by that story, and that story illustrates more than anything else what the civil rights movement was about — a social system so totalizing and so oppressive that it generates a kind of self-hatred, that makes a man hate the color of his own skin, so that he would rather be an animal. If someone tells you, for example, that affirmative action programs somehow run contrary to the spirit of the civil rights movement, think about that story. The movement was about much more than discrimination or color-blindness. It was about eliminating, doing what we could to eliminate, this oppressive force in American society, a force for self-hatred.

That's a story about living with integrity, and if you want to live a life fighting for the integrity of others, then your responsibility is to search out other institutions in American society, other cultural traditions and norms, that may make it impossible, or at least tragically difficult, for others to live with integrity. There are many groups in American society that face these pressures today. As those of you who know my work are aware, I have argued that very often the religiously devout are in this situation, pressured to act as though their faith doesn't matter to them, but they are not alone. Think, for example, of gays and lesbians who even now are so often forced to pretend to be other than what they are, which means living a life without integrity, because many do not want to lose jobs, housing, friends. There is so much in America that could be described this way, not because America is a bad country, but because we have a lot of work to do, a lot of work to do in 1994. And the work that we do can begin with a war for integrity.

Now, I mentioned these two groups in particular because usually they're thought of as having very different champions, but it strikes me that if your guiding principle is integrity, you can listen thoughtfully to the concerns of each. If you're going to live with integrity yourself, you must live with a kind of integrity that also respects the integrity of others. The rest of your values, as I said at the outset, won't matter if you fail to do that.

You know it's not fashionable to be elitist, but you have to recognize as you go forth today that you've had a special privilege in attending this magnificent university. Your Stanford experience and Stanford degree will open amazing doors to you. It may seem trite, but let me say once more that whatever you do in life, do it with integrity. Make sure that you decide to be what it is that you believe you want to be, rather than what someone else expects you to be, and then go out and be that thing. But whatever you may decide, to whatever cause you may commit yourself, to whatever life you may choose to live, be sure in the process that you commit yourself to preserve for others that same possibility of living with integrity.

Thank you, God-bless you, and my heartfelt congratulations. ■