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A Celebration

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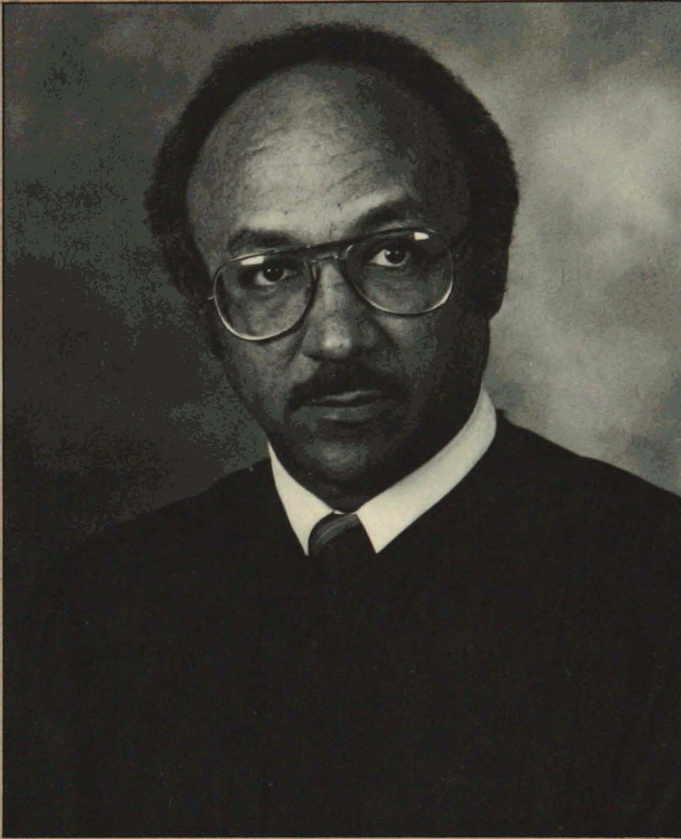
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A CELEBRATION



by
Harry T. Edwards (J.D. '65)

*Circuit Judge in
The United States
Court of Appeals
for the District
of Columbia Circuit*

This address was delivered at the annual Butch Carpenter Scholarship dinner on April 15, 1983. At the dinner this year's recipients of scholarships from the Alden J. "Butch" Carpenter Memorial Fund were announced. They are Jon Hollinsworth and Kelvin Boddie.

The Butch Carpenter Memorial Fund was established in memory of a Michigan football star who died of heart failure soon after entering the Law School. During his four years as an undergraduate at Michigan, Butch Carpenter was co-captain of the football team and a starting defensive end on the Michigan Rose Bowl teams of 1969 and 1971. He majored in business administration with a concentration in accounting and, after graduation, became a member of the audit staff of a Detroit accounting firm.

Butch Carpenter was dedicated to the survival and growth of economically depressed communities. He came to law school because he saw there was a shortage of business attorneys committed to assisting in the development of economically depressed areas. It was his intention to return to metropolitan Detroit to practice business law after graduation.

It is the intent of the Butch Carpenter Fund to promote such dedication and social commitment. Accordingly, the scholarships are awarded to culturally disadvantaged Law School students who have demonstrated an inclination to practice business law, who plan to use their legal training in assisting a disadvantaged community, and whose career paths, graduate training, community involvement, or personal drive have contributed significantly to the decision to admit them to Law School.

The first recipient of a scholarship from the fund was Andre L. Jackson of Chicago, Illinois. He is a graduate of the University of Iowa who earned a B.B.A. in Insurance and a Masters of Business Administration with a concentration in systems management. Before coming to the Law School, he worked on the internal auditing staff of a steel company.

Andre Jackson was like Butch Carpenter in his athletic prowess as well as in his academic interests. As a high school and college student, Jackson was a football linebacker. He was named to the Rookie All-American team and to the All Big Ten team during his freshman year. Later he was named to the All-American team as Most Valuable Player and became Iowa team captain.

Near the conclusion of his speech, Judge Edwards offers the careers of several recent graduates of the Law School as inspiration to those currently enrolled. These pictures disclose the identity of each of the exemplary alumni to whom Judge Edwards refers.

David Lewis

(J.D. '70)



is a "founder and senior partner of the highly successful 15-person law firm in Detroit," Lewis, White & Clay.

Since the seventeenth century, Americans have been peculiarly prone to organize themselves into what Robert Wiebe describes as cultural "segments"—self-perpetuating, closed circles of like-minded people. It is within such circles that we have conducted most of our social life; and it is to them that we commonly look for our senses of self-worth.

The typical forms assumed by such "segments" have changed in the course of our history. In the colonial period, they were most often defined by *traditional* affinities and allegiances; examples included the aristocracy that spanned the British colonies, the adherents of particular religious sects, and the members of often sharply defined local political parties or factions. In the nineteenth century, segments were more often defined on the basis of two overlapping variables—region, on one hand, and race, ethnicity, or class, on the other; examples included Creoles, Scotch-Irish Appalachian farmers, and Boston "Brahmins." Since approximately the 1920s, the most important cultural segments in America have consisted of *occupational* groups and associations. Twentieth-century social enclaves, in other words, tend to have functional bases; a person's goals, friendship network, sense of status, and conversation often are shaped by his or her work.

Several historical forces and factors have combined to cause these tendencies toward "segmentation" in our society. Probably the most important is the fact that America has never been encumbered by an institutional framework capable of lending a coherent shape to its culture—an established church, a rigid caste or class system, or a hierarchical political order. Also, as Tocqueville pointed out long ago, membership in such groups serves important psychological needs of a people whose natural yearnings for stability and a sense of "belonging" remain unsatisfied in our disordered, turbulent, comparatively egalitarian society.

During the past century, these factors have been reinforced by an independent economic and cultural development: the process of "professionalization." Since the 1870s, specialized occupational groups have

been proliferating in American society. Stimulated partly by the need for cadres of experts to develop and apply new fields of knowledge and partly by their members' desire for increased income and social status, groups of "specialists" have coalesced, hardened, and subdivided. The result is that, today, almost every aspect of our collective and individual lives—from our health and legal rights to our recreation and tastes in clothes—is ministered to by a well-defined, self-perpetuating priesthood. Membership in one of these vocational sects typically is the crux of a person's identity, the principal defining feature of one's social and personal life. "I am a lawyer" comes more quickly to the lips than "I live in Washington," "I like Stevie Wonder," or even "I am a Catholic."

The historical subdivision of American society into social cells, and the changing criteria by which those cells have been defined, have had countless effects on our culture and politics. Several of those effects are particularly important.

One effect is the constriction of our capacity for sympathetic understanding of our fellow humans. We live most of our lives in cultural prisons. As friends and business associates, spouses and carpool-mates, we choose people essentially like ourselves. Gradually, usually unconsciously, our habits, hobbies, even our vocabularies and syntaxes come to resemble those of the people with whom we have surrounded ourselves. After years of such adaptation, we lose our capacity even to converse—on all but the most superficial level—with people who come from or live in other social worlds. Confronted with a truly novel character, we may recoil uncomprehendingly.

Most of you have, thus far, been shielded from the full force of these pressures. The invigorating variety of the student bodies in which you have moved, the broad spectrum of ideas to which you have been exposed in the last six or seven years, and your freedom, as yet, from occupational specialization have kept your horizons wide. In the coming years, you will no longer have the luxury of such a wonderfully variegated and stimulating atmosphere.

David J. Dennis

(J.D. '71)



was a "partner in one of the outstanding civil rights law firms in the South." He now has his own law firm in Lafayette, Louisiana.

The Honorable Iraline G. Barnes

(J.D. '72)



is a "Judge in the Superior Court of the District of Columbia."

The Honorable Henry L. Jones

(J.D. '72)



is a "Federal Magistrate" at the United States District Court in Little Rock, Arkansas.

Professional training itself is often valuable and liberating; it prepares and frees you for wider participation in our society than is often possible without it. But its cultural concomitants are frequently stultifying. The next time you are at a cocktail party—or college reunion—observe the groups of lawyers discussing recent developments in securities law, the circles of doctors talking about their more interesting patients, the computer programmers talking shop; watch how awkward they become when some random social event prompts a realignment of the groups. It is a fate to which all of us are condemned, to some extent, by the occupational specialization necessitated by modern society. You can avoid its worst effects, however, if you make an effort.

* * * * *

A second effect of our cultural segmentation is related to the first. By rooting our interests and identities in narrow, relatively homogeneous groups, we have allowed our sense of social responsibility to wane. The more we make common cause with the members of one group, the less duty we feel to aid or educate others. Behind too many injustices in our society lies the attitude: "I care about my people; others can fend for themselves."

The weakness of most Americans' sense of obligation to serve the public has many sadly familiar manifestations: our extraordinary tolerance for the persistence of poverty in our society; our desultory commitment to the preservation of our public lands and natural resources; the relative superficiality of our popular political discourse; and our tolerance for—even insistence upon—a legislative process founded upon log-rolling and pluralistic bargaining, rather than collective efforts to promote the common weal.

There is yet another related problem associated with occupational specialization, one that is all too familiar to minorities. Professional organizations, especially those with power and status in society, are by nature closed shops. Acting pursuant to a self-

preserving instinct, professionals, like lawyers, tend to reaffirm their past glories, and perpetuate themselves as models, by conserving the tenets of the system that defined their successes. This has meant that certain less-favored groups within society historically have been excluded from the most prestigious occupational groups. As blacks, other minorities, and women now begin to enter these professions, there is a question whether they will be given equal opportunities within the group and, if so, whether they will lend a new perspective or merely embrace the traditional characteristics of the professional caste. These will be critical issues for you as you enter the legal profession.

A set of institutions once closely linked to the segmentation of American society may provide a partial solution to the aforementioned problems. American once had a very strong tradition of participation in voluntary associations. At one time, ordinary citizens were involved heavily in local government. The New England town meeting is the most famous such system of governance, but structurally similar institutions could be found throughout the country. Writing in the 1830s, Tocqueville observed that Americans combined their efforts—frequently and spontaneously—to pursue a wide variety of economic and social goals.

The practices Tocqueville described have gradually waned. In the process, we have lost something of inestimable cultural value—an ethos of active public-spiritedness, of vigorous, selfless debate and action. As Tocqueville shrewdly observed, the most important benefit secured through voluntary collective action is not improvement of the outcomes of political and social processes, but improvement of the characters of the participants:

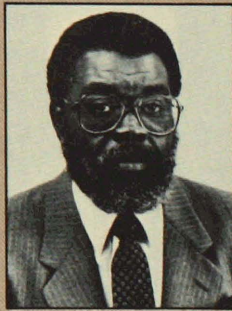
When [people] attend to public affairs, they are necessarily drawn from the circle of their own interests and snatched at times from self-observation. . . . Men attend to the interests of the public, first by necessity, afterwards by choice; what was intentional becomes an instinct, and by dint of working for the good of one's fellow citizens, the habit and the taste for serving them are at length acquired. . . . [The

Ralph O. Jones (J.D. '72)



is "Associate General Counsel of UAW."

Wayne A. McCoy (J.D. '72)



is a "partner in one of the major law firms in Chicago," Schiff, Hardin & Waite.

Dianne Brou Fraser (J.D. '73)



is "Associate General Counsel of Harvard University."

net effect:] Feelings and opinions are recruited, the heart is enlarged, and the . . . mind is developed. . . .

Tocqueville's insights are keen, but not novel. Central to a long and important tradition in political theory—beginning with Aristotle—is the recognition that concerted political activity is enlivening and elevating. Self-fulfillment and true freedom depend upon *action*; only by *participating* in the basic societal decisions that affect the shape and quality of his life does a person realize his full potential.

I would suggest to you that the way up and out must be found through *involvement* in our social and political life. Some of your hopes will be realized; others not. Still others will undergo change as you strive for them. But you will find your successes worth the effort. And the changes wrought in yourself and your colleagues as a result of your commitment will benefit us all.

Before I conclude, I would like to pay tribute to the memory of Butch Carpenter and to those who have made this Scholarship Dinner an important annual event at The University of Michigan Law School.

Butch Carpenter's law school career was ended tragically; but he has come to symbolize the many achievements of the black students who preceded and follow him at the University of Michigan Law School. In his memory and on this occasion, we reaffirm the positive presence of minority students at Michigan.

Not long ago, I was talking with a very close friend of mine about the burdens of "affirmative action" and the problem of racial stigma. After our talk, he wrote me a letter, a portion of which I would like to read to you:

Should we have affirmative action when presumably there's been no discrimination? What's the rationale—that blacks are dumber and need the boost? If that's the reason, then aren't we imposing a double stigma on them? Or is it that blacks aren't dumber but that young blacks in a racist society are doing a heck of a lot more with their emotional and intellectual energy than white kids are doing—to wit, trying to battle through all the racist nonsense to figure out who they are and how they fit in? It's a stress and strain

that is real. . . . Although some of our students overcome it, for those who do not there is an extra burden to carry. It doesn't matter that most whites don't understand this. We know more about this subject than they. The stigma carried by black kids who benefit from affirmative action isn't much greater than the stigma they carry anyway just being black. . . .

I was struck by my friend's comments, not just by the weight of the message, but also by the harsh realization of the simple truth of much of what he said. When I graduated from Michigan, I was the only black student in my law class and, as I recall, there were no black students in the two classes below me. I sometimes felt isolated, but never stigmatized. My peers assumed that I had a rightful place at the Law School and that I possessed an intelligence on par with theirs. You, however, have faced loathsome challenges on both these scores. This is the harsh reality about which my friend wrote; he implicitly recognized that in many ways our life at law school was easier than yours even though we grew up in a more segregated society.

As I think about my experiences and yours, it occurs to me that the Butch Carpenter Scholarship Dinner is a celebration—a celebration of your resolve to succeed and a celebration of the successes of your predecessors. In recent weeks, I have heard from a number of black graduates who received their degrees from the Law School about ten years ago, at the inception of affirmative action. Among them is a partner in one of the major law firms in Chicago, who has been described to me "as a truly brilliant practitioner", the Associate General Counsel of Harvard University, a Federal Magistrate, a Judge in the Superior Court of the District of Columbia, the founder and senior partner of a highly successful fifteen-person law firm in Detroit, a partner in one of the outstanding civil rights firms in the South, a first-rate litigation specialist with General Motors, a former Regional Director of the NLRB who is now a partner in a major Atlanta law firm, the Associate General Counsel of the UAW, and a partner with one of the largest and most prestigious law firms in

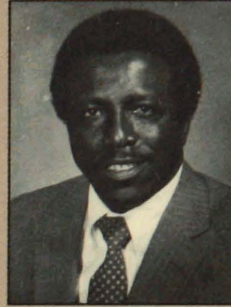
**Kathleen
McCree Lewis**

(J.D. '73)



is a "partner with one of the largest and most prestigious law firms in Detroit," Dykema, Gossett, Spencer, Goonow & Trigg.

Curtis L. Mack (L.L.M. '73)



is the "former Regional Director of the NLRB." He is now a partner with the Atlanta firm of Arfken, Cladwell, Steckel & Mack.

Jesse Womack (J.D. '73)



has recently left his position as "first-rate litigation specialist with Ford Motor Company" to join Arco Chemical Company in Philadelphia.

Detroit. These are but a handful of your predecessors who have excelled in the profession since graduating from the U of M. They have overcome the burdens of which my friend spoke; they are models of excellence for you and living evidence for those who continue to doubt the capacity of our people. What they have achieved since graduation has nothing to do with "affirmative action"—it has to do with their intelligence, hard work, and dedication.

It is with these things in mind that I view tonight as a celebration. I would also suggest to you that this is an occasion for us to recall that there is still much to be done. A recent article in the *New York Times* reported that:

A black executive of a Fortune 500 company recently said that for non-whites, corporate America is now what baseball was before Jackie Robinson. Measured by that metaphor, the status of black and Hispanic and other minority lawyers in the leading corporate law firms is akin to that of Robinson, Larry Doby, and the handful of other blacks in the major leagues shortly after the color line was broken; underrepresented, uncomfortable and, in some instances, unwanted. . . .

A National Law Journal survey shows that less than 3 percent of the lawyers at the country's largest firms are black. More than two-thirds of the firms have no black partners, and one in six . . . have no blacks at all.

As for law firm recruitment of minority students, the *Times* article described a situation at NYU Law School where

Forty-two second- and third-year black students had a total of 1,132 on-campus job interviews there last fall; only nine of these interviews led to offers. So serious is the problem that Dean Redlich held breakfast meetings recently with hiring partners at some 30 of New York's largest firms looking for answers.

There is also a growing problem with minority admissions in law school. A report just issued by a Research Associate at the Harvard Law School notes:

The proportion of law students who are black is now 4.4%, up from 3.1% in 1969. But, this 4.4% is a decline from four years ago, when it was 4.7%. This decrease in black

law students is even more significant because the number of minorities who have graduated from college increased and is now nearly comparable to the minority proportion of the population.

One would like to believe that, despite the particular problems that we encounter in the legal profession, we can see more hopeful signs in society-at-large. But optimism is easily dashed when we consider recent figures on black poverty and unemployment, and when we recall the unseemly "racial war" during the Chicago mayoralty campaign.

Despite the problems that persist both in and out of the law, there is no time to despair. You have proven talent to deal with today's issues. When you graduate from The University of Michigan Law School, you will carry with you some of the best legal education available in this country. Your presence in the legal profession will make a difference.

Over ten years ago I wrote something that I would like to share it with you before closing:

[T]here must be an input of the Black vision in the societal process. To the extent that the norms generated in the societal process are the product of, or are influenced by, the legal profession, and to the extent that major law firms and corporations in partnership with important government officials and members of the judiciary occupy the lion's role in that process, there is an undeniable need for more Black lawyers to exert a full measure of power within those councils of the lions.

* * * * *

As I mentioned at the outset of this talk, you must be mindful of a danger inherent in our ever more successful penetration of the legal world. The danger is that, in becoming successful lawyers, we will become *nothing but* successful lawyers, and both we and the society will be poorer as a result. This danger is all too easy to overlook, especially after you have overcome the formidable barriers to entry into the profession. To the extent that you allow your future roles as successful lawyers to dominate your lives, you will unwittingly exacerbate the problem of social segmentation.