

Boston College Law Review

Volume 38
Issue 5 Number 5

Article 1

9-1-1997

Remarks

Deval L. Patrick

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/bclr>

Recommended Citation

Deval L. Patrick, *Remarks*, 38 B.C.L. Rev. 851 (1997), <http://lawdigitalcommons.bc.edu/bclr/vol38/iss5/1>

This Article is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law Review by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.

BOSTON COLLEGE LAW REVIEW

VOLUME XXXVIII

SEPTEMBER 1997

NUMBER 5

REMARKS[†]

DEVAL L. PATRICK

Deval Patrick recently returned to Boston from Washington D.C. where, for three years, he headed the Civil Rights Division at the United States Department of Justice. During Boston College Law School's 1997 Fall semester he is teaching current issues in civil rights law. Professor Patrick is a partner at the Boston office of Day, Berry & Howard and, among other matters, is advising the government of South Africa about its emerging employment discrimination laws.

When I began to gather my thoughts for this address, I found myself trying to imagine what you graduates must be thinking today, here in the midst of the late Massachusetts spring, having to listen to yet another speaker: pride, relief, exhaustion, dazed by the enormity of the milestone—or of the celebrations running up to it. As is so often the case on occasions like these, my mind drifts back to an especially memorable commencement of my own—in this case from high school—more than twenty years ago. Of course I can recall neither who spoke nor what he said. Like many of you now, I suspect, I was preoccupied with such matters as how to keep my parents from bickering, my grandparents in the shade and my sister from upstaging me on my big day. Occasionally, the mind wandered back to the podium's talking head—but only for an instant. Then it was off again to other miscellany, ultimately landing firmly in thoughts about all the varied impressions and misimpressions I had gathered of my time on that campus. I had a lot to sort through.

[†] Commencement Address, delivered at Boston College Law School, May 25, 1997.

I arrived at Milton Academy, a private boarding school not far from here, on a warm September evening in 1970, the night before classes began. I had lived until then in a small apartment in an inner city neighborhood, a ghetto frankly, on the South Side of Chicago, a life of want, of deeply segregated and ill-equipped schools, of gang violence and limited hope—and I had never seen Milton or any place like it before. When I drove up the main street to the campus, I remember thinking of the common green at the center of the grounds, that I had never seen so much privately-owned lawn before.

We had a dress code then: boys wore jackets and ties to classes. Now, a jacket on the South Side of Chicago is a “windbreaker.” So when the clothing list arrived at home, explaining the dress code, my family splurged on a new windbreaker. That first day of classes, when all the other boys were donning their blue blazers and tweed coats, there was I in my windbreaker. I had a lot to learn indeed.

But I figured it out—in time. I learned about the jackets, the rep ties, indeed the whole line of Brooks Brothers merchandise. I learned that peculiar truth about private schools: how the graduates never die, they just turn into buildings. I learned about money, what it could do, how it endowed some people with an extraordinary and often undeserved self-importance. And I learned that none of that mattered.

I learned a few other things that did matter. I learned about the long legacy of achievement that that school (like this one) represents and expects of its graduates. I learned how to make friends across differences, some meaningful but most far less so. And most significant of all, I learned to appreciate a good education as more than accumulated information and prestige, but instead, to borrow from Robert Frost, as “learning to listen to anything, without losing your temper or your self-confidence.”

I did not come to some of these notions until well after I sat where you are sitting now, long after I had forgotten what my own commencement speaker had said, or what my parents were arguing about, and long after the uneasiness of those early days in 1970 when I was still trying to find my way around that place in every sense of the term. I didn’t discover what really matters until I got a little perspective. And it’s the importance of perspective that I want mainly to talk about today.

Perspective is not just distance on your subject, but a different angle, a different lighting, a different way of viewing it. And the more you can vary your perspective—through life experience and time—the deeper your understanding. Jeremy Knowles made this point especially well in a speech not long ago to the incoming class at Harvard and Radcliffe colleges. Referring to a certain “Henry Moore sculpture on that terrace near Lamont Library,” Dean Knowles said that “standing

in front of it on the path, or gazing at it from the library, it looks pretty lumpy. A bunch of massive golden shapes, quite attractive, but meaningless, and mostly good for photographing small children in. But go out of the gate onto Quincy Street, and turn left, and look back through the 34th gap in the second set of railings. Suddenly you will see a splendid and voluptuous work. What is the moral?" He asked. His answer: if you don't understand something, the reason may likely be that you're simply standing in the wrong place. "So, if you don't understand a theorem in physics or a passage from *Ulysses*, or a Schoenberg trio, . . . or your roommate's politics, remember Henry Moore," said Dean Knowles, "and *try a new perspective.*"

Your perspectives have been evolving just since you have been here at the Law School. For example, you can all think of ways in which your impressions of your classmates or your professors have mellowed over the last three years, how unreliable your first impressions turned out to be. Consider how in these last few weeks of school you may have found a certain unexpected respect or even fondness for the guy or gal you thought was such a jerk before; or how you finally understood that culture and personal experience explain why sometimes people of comparable intellect and sensibilities can draw different conclusions from identical information. All of these are ways in which your perspective has been ripening. It happens imperceptibly much of the time.

Then again, sometimes you are *forced* to try a new perspective. Consider especially those humbling—perhaps even humiliating—moments when you discovered, once you put aside your bruised ego, that a real difference in point of view was challenging, interesting and not at all threatening. In my freshman English class at Milton, if we didn't know the answer to a question, the teacher made us stand and say aloud, "I am ignorant, sir!" *That* was humbling. When I would tell my grandmother that I didn't know something, she would sometimes reply that what I didn't know "could fill a whole new world." One could feel pained by these things—and often did. Or one could begin to see these as ways to open up to the possibility of new perspectives.

My clearest lesson in perspective came on April 15, 1974. I was a senior at Milton by then and college decisions had begun to come in. Now, you must understand that, while everyone at Milton Academy is expected to go to college, no one in my family had ever been. I had applied to five colleges, but there was only one I really wanted. When the letter came on April 15 that I was admitted to that one, I called home and that same grandmother I just mentioned picked up the phone. I told her my news, that I was going to Harvard. She told me how proud she was of me, so pleased, so excited. Then she paused and said, "Now, where *is* that, anyway?" *That's* a different perspective.

And I never forgot. Not at Harvard. Not at Harvard Law School later. Not through any of the extraordinary experiences or associations I have had since. That lesson taught that the beginning of discovering what matters is learning what doesn't. The prestige didn't matter. The opportunity, the reason to hope mattered. That's perspective.

You will need perspective in the world you will soon inhabit. It is a complex place. It is filled with great beauty, extravagant wealth and remarkable people. But it is in the *same instant* filled with hate, with indescribable violence, abject deprivation and injustice. Still, it is yours to inhabit. I encourage you to inhabit *all* of it.

Most of you will have choices that only a very small proportion of people in the world will ever know: choices to live and work and play in rarefied surroundings, far removed not from your own problems, perhaps, but from the hardships and experiences of so many others. Guilt is not the answer to such privilege. Yet you must take care not to isolate yourselves, to avert your eyes completely, from the ugliness you need not experience. You could, if you wanted, let your whole life be about posh clubs or posh schools like this in posh communities—and know nothing about the lives of less fortunate people, or just different people, other than what you *think* you know from the media. But your perspective will suffer. Your judgment will always be that much more imperfect. And the great responsibilities which so often accompany that rarefied life will be borne by weaker shoulders.

Perspective is vital to understanding the civil rights struggle. If you take that long view, you begin to understand that the civil rights struggle exists for all our children and our common future. It has always been about simple justice, making good on the American promise of freedom for all, defined by equality, opportunity and fair play. In that sense, it has always represented the best of American ideals.

For centuries, these very ideals of equality, opportunity and fair play have been confounded by the politics and practices of division and exclusion. Slowly, painstakingly, through the struggles of the 50s, 60s and 70s, men and women of goodwill and *perspective*—people who faced up to the gap between our reality and our ideals and came down on the side of our ideals—pressed for, cajoled and demanded progress in closing that gap. And there is no denying the plain fact that we are a freer, more democratic, more prosperous society for more Americans today than ever before.

Yet it is undoubtedly true that legions of racial and ethnic minorities and women feel less of a sense of opportunity, less assured of equality and less confident of fair treatment today than in many, many years. Now, society's collective thinking on the meaning of opportunity seems to begin and end with the topic of affirmative action, and *that*

is more a war of sound bites than a constructive debate. Now, the specter of opinion polls and political agendas overshadows basic concepts of fair play and due process. The notion of equality is never even mentioned in public discourse today, as if avoiding the subject avoids the problem. Some openly question whether the civil rights movement has gone too far and others—including many minorities—are questioning whether integration was ever a good idea. Indeed, race relations is the only major social ill today we seem to be considering curing by denial, as if declaring ourselves color-blind in law will make us colorblind in fact.

And, to be frank, the legal apparatus today is not always helpful. The law in our society has always represented both a means and an end. It is the means by which we resolve disputes, apportion resources, and express the society's collective outrage and retribution. But its end is to reflect our sense of justice. Surely this must also include manifesting the central ideals of the nation we are trying to become.

And yet our courts—most especially the Supreme Court—are on the brink of rationalizing justice right out of the law. Often displaying an astonishing lack of perspective, civil rights decisions today focus almost exclusively on remedies—the constitutional limitations on school desegregation, on vote redistricting, on affirmative action—with scarcely the slightest mention of the underlying problem that warranted the remedy in the first place. Indeed, the pattern in the Supreme Court seems to be a pious and detached acknowledgment of the existence of discrimination followed by condemnation of any effort to do anything about it.

But take a look at us. A good look. The kind that perspective demands. The unemployment rate for black males is still twice as high as for white males. Even college-educated black and Hispanic men, and women of every race and ethnic background, are paid less than comparably educated, comparably trained white men. It is still harder for black folk and Latinos—and in many cases, for women—to rent apartments, get a mortgage, get hired or promoted, in many places even to vote, than for whites.

Black churches are on fire in Alabama and Tennessee—just like thirty years ago.

A black nine-year-old in South Carolina was tied to a tree and terrorized recently by a white playmate and his parents.

A 300-unit apartment building in Ohio had refused *ever* to rent to African-Americans—as of last year.

A six-foot cross was burned in front of a neighborhood auto repair and body shop in Florida because the white shopowner had hired two black workers.

A Georgia congregation was in an uproar last year because the body of a mixed-race infant was to be buried in the church yard, against a "white-only" policy that dated back to the 1800s.

Three white men in Texas drove to the black section of town hunting African-Americans, lured three black men to their car and then shot them at close range with a short-barreled shotgun, each taking a turn at the trigger.

And it's not all black and white: a Louisiana corrections center required a minimum passing score on the written examination of 90 for men, but 105 for women. In fact, one woman scored 100 on the exam, but was disqualified, while a year later, a man was hired who scored a 79, even though he had a prior arrest and no high school diploma.

In California, when two young Hispanic couples earned the chance to move, literally, across the railroad tracks to a better neighborhood, a condominium manager told them there was "no room" because Latinos, in his opinion, were given to multiplying and he did not want his building to become like the *barrio* they had come from.

Swastikas defaced grave stones and hateful slurs littered high school sports events around Massachusetts just last year.

I still get followed in department stores and harassed by the police. I still have trouble hailing a cab in most major cities. Perhaps these individual experiences are no more significant than what my wife sometimes calls the "indignities *du jour*." But they nag at my personhood every day—even in my rarefied life. Imagine what effect they have on the life and mind of a young African-American or Latino man or woman who knows less about hope and faith than I do and have come to trust.

They know that not everything wrong in their lives is explained by race. But they also know that racism is still with us. That intolerance is on the rise. And that declaring ourselves color-blind in law is unlikely to make us color-blind in fact.

And let me assure you, these anxieties are not unique to minorities and women. They are shared by *all* Americans of goodwill and perspective, of every race, ethnicity, creed and gender. The people are wondering and watching, anxiously, like some of you perhaps, to see whether this country is about to make a giant lurch backward in its long struggle for equal opportunity and fundamental fairness.

So, you, as newly-minted lawyers, must understand and master the legal standards and the arguments made in the cases. There is no substitute for that. And you must take care not to simply shrug off an unwelcome judicial opinion or counter-argument as the predictable result of somebody else's political view. But you must keep your eye on

what civil rights is ultimately about. And that requires that, even in this profoundly cynical time, your perspective remains broad enough to embrace fundamental American ideals.

People have come to these shores from all over the world, in all kinds of boats, and built from a wilderness the most extraordinary society on earth. We are most remarkable, not just because of what we have accomplished, not just because of what we have materially accumulated, but because of the ideals to which we have dedicated ourselves. And we have defined our ideals over time as principles of equality, opportunity and fair play. For this, at the end of the day, deserve it or not, we are an inspiration to the world.

Civil rights is the struggle for those ideals. It's hardly about some abstract racial spoils system, or who is victim and who victimizer. And it has nothing at all to do fundamentally with liberal or conservative politics. It's about breaking down artificial barriers of whatever kind to equality, opportunity and fair play. It's about assuring everyone a fair chance to perform. It's about redeeming that fundamentally American sense of hope, and affirming our basic values and aspirations as a nation.

I know that idealism is not fashionable. It's not sophisticated or hip. Intellectual elites like we are tend toward cynicism. We know the dark side of human motivations and the strong pull of ambition and expedience, and we doubt that right will often win against those forces. Or perhaps we just see the many shades of grey that make it so difficult to know what is right and what is wrong. Look at the Supreme Court's opinions in this area and you will see that they bear a certain logic. But my point is logic is not enough. Only justice is enough. And logic never found its way to justice on its own. It has always needed moral guideposts, and roots in idealism.

You are tomorrow's leaders. You may doubt it yourselves, but I know. That is why you were admitted in the first place. You will be the judges, justices, legendary advocates, captains of industry, union heads, diplomats, public officials, scholars, pillars of your communities. You will be faced with all manner of choices, many of them false. There is absolutely no reason for you to suppose that you have to leave your conscience at the door to work at a large law firm or that the only way to do right or to contribute in important ways to this society is to work in a poverty law clinic. Failure is not making the wrong choice. Failure will be letting your ideals be casualties of your confrontation with reality.

Because while we debate the abstract merits of color blindness, or this or that civil rights remedy, while we parse the language, tone and reasoning of Supreme Court opinions, there are millions of children

all over this nation who are left out and left back—who will never become doctors or lawyers or teachers or police officers or much else—who cannot even imagine going to a school, let alone experiencing a day like this—whose latent idealism will never be freed to grow into compassion and action—because there was no teacher, no friend, no one like you, who by action or example, quietly inspired them; showed them how to look up, not down; helped them to see their stake in their own and their neighbors' dreams; touched a life in some private, but powerful way, and gave someone else a reason to hope.

And so what is the lesson of the civil rights struggle? What is the perspective without which America has no hope of becoming what she has dedicated herself to become? That civil rights today is, as it has always been, a struggle for the American conscience. And that we all have a stake in that struggle. So, when an African-American stands up for a quality, integrated education, he stands up for all of us. When a Latina stands up for the chance to elect the candidate of her choice, she stands up for all of us. When a person who uses a wheelchair insists on access to a public building, she stands up for all of us. When a Jew stands up against those who vandalize his place of worship, he stands up for all of us. Because civil rights is still about good citizenship. It's still about the perennial American challenge to reach out to one another—across the arbitrary and artificial barrier of race, across gender, across ethnicity, across disability and class and religion and sexual orientation, perhaps most of all across our fear and hopelessness—to seize our common humanity and see our stake in that.

This is a tall order. To some of you it will seem hopeless. But hope and effort make a powerful combination.

When I was growing up, my grandmother used to grow roses in the backyard—on the South Side of Chicago of all places. Whenever the weather was warm enough, she would head outside, early in the morning, to tend those roses. She would sweep away broken glass, pick up trash that had blown in, pull weeds and turn that soil. That soil had things in it that God would never put in dirt. But she brought those roses forth. From one cutting I remember she grew a rose that climbed nearly two stories up the side of the tenement we lived in. It was magnificent. And it was improbable. Especially in that place. In that soil. But she tended her garden.

Well, a soil like our common American soil, sown with over 200 years of division and mistrust, cultivated too often by cynics, and choking in places with the weeds of intolerance, may not seem the most fertile ground. But it is ours. Indeed, it is yours. You must tend our gardens.

Our problems are of our own creation. They are not beyond our capacity to care about and to solve. Our cynicism is but our own fear. It is not beyond our courage to conquer it. Our despair is of our own relenting. It is not beyond our faith.

Graduates, for your sake and for all of us, tend our gardens.