Charge to the Class

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Our ceremony is almost concluded, and you will soon be released to celebrate with your families, friends and classmates. But before you go, it is traditional here at Stanford Law School, as it is at many universities, for the Dean to conclude with a "charge to the graduating class" – a last piece of guidance from the school as you set out into the world as our alumni.

The purpose of a charge is not to give you advice, but instead to entrust you with a duty or responsibility. So here is my charge to you: **uphold and support democracy** and the rule of law. As lawyers, you are uniquely trained and positioned to understand and influence the course of a democratic society, whether in this country or around the globe. During the time you spent here at SLS and over the recent past as you began your professional careers, you learned the skills that can acquit you well in this sphere, and so I exhort you to use them to protect democracy and democratic institutions.

The framers of the U.S. Constitution, throughout prolonged debate during our country's nascent years, struggled with how to define, establish and protect the democratic society they wished to build here. They wanted to shed the old hierarchies of king and lord and crown and build a new kind of social order, one grounded in the words of the Declaration of Independence that all men are created equal and endowed by their creator with inalienable rights. They understood that democracy is only as strong as those individuals who desire its existence, are included in it, and agree to the duty to protect it. Thomas Jefferson declared in 1807, "That government is the strongest of which every man feels himself a part." The irony of those words, of course, was that every man, let alone every woman, was not included in the American experiment from the start. As many have recounted, it took centuries of effort and struggle, including a Civil War to end slavery, the women's suffrage movement, and the Civil Rights movement, to start to make good on that original promise. It took hundreds, thousands, millions of individuals committed in generation after generation to make progress on fulfilling the promise of American democracy embodied in those words from the Declaration of Independence. It was a struggle that inspired other societies around the world to make their own progress toward freedom.

Centuries later, though our democratic society had long been established, President John F. Kennedy remarked on the enduring commitment needed to sustain it: "Democracy is never a final achievement. It is a call to an untiring effort."

Now, perhaps more than ever, our efforts are required. Although the second half of the 20th century saw tremendous progress toward freedom and self-governance compared to the millennia of human history that preceded it, the first decades of the 21st century have seen that progress slow and even reverse. Around the world, democracy is in decline. Freedom House's *Freedom in the World*, one annual country-by-country assessment of political rights and civil liberties, states that countries with declines in political rights and civil liberties outnumbered

those with gains every year for the past 15 years. Today, fewer than a fifth of the world's people live in fully free countries. The annual World Justice Project *Rule of Law Index* shows similar declines in rule of law, a related but distinct concept, globally. Authoritarianism is on the rise.

Though the unsettling events of the past few years have shocked and shaken many, it is important to remember that American democracy has been tested time and again, and it is each generation's faith in "government of the people, by the people, and for the people" that has allowed our democracy to survive those tests and emerge from the crucible stronger and better than before.

More recently, across the globe, we have watched one of the most significant land wars since World War II unfold as Ukraine heroically fights a ruthless authoritarian intent on destroying that democratic republic. Ukraine is still free and independent at this moment because its people believe in and want democracy; they are willing to give their lives rather than surrender hope. These instances teach us that we must remain vigilant. As President Ronald Reagan described it, when addressing British Parliament in 1982 during a time of Cold War tension, "Democracy is not a fragile flower; still it needs cultivating." In other words, in order to ensure democracy depends, in each day and time, on the commitment of ordinary citizens, lawyers, judges, and government officials.

You might ask why we should persevere in this effort. Is it perhaps time to concede that this 'grand experiment' has not worked out as hoped, and we should consider other options? Winston Churchill had some oft-quoted insight on this question: "Many forms of government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time." Democracy is hard. People do not always agree on policies, goals, or even fundamental values. Democracy requires somehow working through those differences *with* one another, it requires listening and persuading rather than just shouting or imposing our will on others, on somehow finding common ground and recognizing our common humanity.

Do not forget the role that American democracy, no matter how fraught this country's history, plays in the dreams and actions of those who watch us from afar. Our foreign policy in practice has not always advanced democratic values in the ways we claim to on paper. But at its best, in its moments of trueness, America has represented freedom, equality, and justice to those around the world who aspire for a better life for themselves and their children. President Volodymyr Zelenksy of Ukraine, when speaking to the US Congress in March, said this:

> Just like anyone else in the United States, I remember your national memorial in Rushmore, the faces of your prominent presidents, those who laid the foundation of the United States of America as it is today: democracy, independence, freedom, and care for everyone, for every person, for everyone who works diligently, who lives honestly, who respects the law. We in Ukraine want the same for our people, all that is a normal part of your own life.

President Zelensky's description of America 'as it is today' is, as we all know, somewhat aspirational.Our society is far from perfect. But Zelensky's words along with the daily patriotism and heroism we are watching from the Ukrainian people, should reinvigorate *our* commitment to continue pursuing that ultimate goal. As Martin Luther King, Jr. said, in his *Letter from a Birmingham Jail*, "Injustice anywhere is a threat to justice everywhere." Those of us who are privileged to live in democracies must cultivate the flower of democracy at home for our own betterment and also so that our societies can continue to serve as a beacon for those around the world whose freedoms are under assault or not yet established. By strengthening and protecting the democratic fundamentals of our own societies we guard against erosion of those fundamentals in other communities and societies.

Today I am speaking to you as new lawyers, but I am not suggesting that you should all make instantaneous pivots from your chosen fields of legal practice. There is much you can do from whatever professional perch you have landed on, but first and foremost you are all members of the societies in which you live and can contribute to them through your leadership and civic participation. Attorney General Robert F. Kennedy said something similar when speaking to a different group of lawyers during the Law Day Ceremonies of the Virginia State Bar in 1962: "The glory of justice and the majesty of law are created not just by the Constitution - nor by the courts - nor by the officers of the law - nor by the lawyers - but by the men and women who constitute our society - who are the protectors of the law as they are themselves protected by the law."

Speaking at the University of Capetown in South Africa in June 1966, Robert Kennedy urged students not to lose focus on this bigger picture:

> "For the fortunate amongst us, the fourth danger is comfort; the temptation to follow the easy and familiar path of personal ambition and financial success so grandly spread before those who have the privilege of an education. But that is not the road history has marked out for us. There is a Chinese curse which says 'May he live in interesting times.' Like it or not, we live in interesting times. They are times of danger and uncertainty; but they are also the most creative of any time in the history of mankind. And everyone here will ultimately be judged – will ultimately judge himself – on the effort he has contributed to building a new world society and the extent to which his ideals and goals have shaped that effort."

I've seen this quote circulating recently online, perhaps because it resonates with the current moment. As citizens and lawyers you can support democracy by protecting human rights, fighting corruption, promoting transparency and accountability, and facilitating peace and security. A democratic society is enriched by diversity—embrace and promote diversity in whatever niche you find yourself in professionally or personally and you are furthering democracy. Here at SLS you have learned the importance of engaging with different points of view—genuine, engaged discussion and debate are the only way to new insights and finding common ground rather than spinning off into polarization and intolerance. You learned how to identify issues, evaluate facts and evidence, raise awareness, and challenge in words, writing

and action those who would undermine the freedoms that we must continually strive for in our democratic society. You are ready.

I therefore charge you, the graduates of the Stanford Law School classes of 2020 and 2021, and 2022, with upholding and supporting democracy. The world is waiting to see what you will do.