Introduction of Award of Merit Recipients
Schwarzman Center
Robert C. Post
Saturday, October 22, 12:30pm

Welcome to Alumni Weekend 2016. Today, over 1,000 alumni and their guests have returned to YLS.

This room is filled with generations of Yale Law School graduates; classes from 1948 to 2016 are represented here. You are an extraordinary group of people with a vast range of life experience. When the Class of 1956 was in law school, the dorms burst to the beat of Elvis's first hit record, "Heartbreak Hotel," which was released that year. The Class of 1976 read about the Concorde's first flight and, in their first semester, the Class of 2006 watched its last. By the time the Class of 1996 graduated, Amazon.com was only two years old—so buying a textbook still required a walk down Broadway. And as the Class of 2011 began their last semester of law school, dictators across the Middle East were succumbing to the Arab Spring as mass protests roiled their streets and public squares.

The lesson we learn from this incessant change is that Yale must prepare our students to adapt to a ceaselessly evolving environment. We cannot convey a static conception of law, but must instead conceptualize our legal tradition as one that accepts and embraces transformation.

And yet I also hope that you will notice essential continuities. I hope you will find us still a place that *thinks*, that aspires to understanding while remaining committed to reform; that conserves the best of the past while welcoming the future and innovation.

If we think about the past, I would like to commend for your attention the foretaste of a book about someone you all will undoubtedly remember—the *maestro* himself—Judge and former Dean Calabresi, who just celebrated his birthday this past Tuesday. When I first became Dean 8 years ago, I commissioned an oral history of Guido, because I could think of no greater tribute to the unique identity and achievements of Yale Law School. I'm glad to say that that history is now almost finished, and will soon be published by Oxford University Press. But we have published specially for your reunion a tiny selection of that book, which covers the time when Guido arrived in New Haven as an Italian refugee fleeing fascism. It is called *A Foreigner in New Haven*, and if you haven't seen it already, please pick up a copy in the hallway on a table just outside the room where you registered, which is Room 122.

If we turn our attention to the future of Yale Law School, we cannot help but focus on the new students that each fall sweep into the Sterling Law Building. A little over a month ago, I welcomed yet another generation of

YLS students to New Haven—the Class of 2019. They are, like you, an extraordinary and diverse group. They hail from nine different countries, 34 different states, and 79 different undergraduate institutions. They have collectively lived and worked in 71 different countries and speak 42 different languages. Altogether, they hold 48 advanced graduate degrees in subjects that range from nonfiction creative writing to medical engineering and medical physics. Just like you, they came to this school to redraw the map of the future.

I do hope that you will have the opportunity to meet some of our current students while you are here this weekend. And I equally hope they will have the chance to meet you. In fact some of them are here now. I'd like to ask the student aides to please stand. Let's give them a big hand.

I would be remiss if I did not offer a special welcome to the surviving husbands, wives, and partners of deceased Yale alums who join us here today. We honor you and your loyalty to this school.

Many people put in over two years of effort to make this weekend possible. Foremost among them is our remarkable Associate Dean for Alumni and Public Affairs, Toni Davis.

I'd also like to thank Director of Alumni Affairs, Stephen Ackley-Ortiz; Assistant Director, Lesley Heffel McGuirk; Events Manager, Michelle

Fielstra; Colleen Phelan, Janna King, and Heidi Runda. We all owe a few other individuals a debt of gratitude, including Dean Mike Thompson, Georganne Rogers and her team in the Dean's Office, Ellen Cosgrove and the entire Student Affairs office, and Jan Conroy and her colleagues in the Public Affairs department.

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It feels like only a moment since I spoke at the graduation ceremonies for the Class of 2016. Then, like now, we were ensconced in a presidential campaign. Then, like now, our politics felt bleak—no matter who you are, what color you wear on your sleeve, or which standard you carry.

In my lifetime I have not seen a political atmosphere so angry, so poisonous, or so baleful. My graduation speech last May was, in many ways, a lament. A lament for a time when our politics were more civil and more constructive. Extreme partisanship, in all its shapes and forms, is a public sin, because it undermines the basic fabric of our democracy. Last May I reminded our graduates about Pericles. During the Peloponnesian War, Pericles, the great Athenian leader, argued that in a democracy "happiness depends on being free, and freedom depends on being courageous."

Without freedom, democracy fails. But democracy also collapses without courage. I am now speaking about two distinct kinds of courage. Democracy demands courage from us, the people, so that we can sustain our engagement with public issues and public matters. Unless we do so, there is no democracy worth saving.

But democracy also requires a second and distinct kind of courage. It requires courage from the leaders of a democracy. Of all forms of government, democracy most requires leaders who can both *listen* to the public and *lead* the public.

That is a delicate, difficult dance. It requires the courage of humility and openness, to hear and to learn, and at the same time the courage to take charge and do what is best. If our leaders fail in these two responsibilities, if they become merely politicians who bully rather than educate, or who follow rather than lead, our democracy is put at risk.

I now fear for that balance. Given the remarkable state of this exceptional campaign, we certainly could be forgiven for falling into despair about the state of our country.

But today, here at Yale Law School, where we train future generations to have sound judgment, I am here to remind you that there are still reasons for hope, profound hope. You simply need to know where to look.

In Rhode Island there is hope. And, in California, there is hope. Today we honor those who have the courage both to listen and to lead, and so to sustain the possibility of faith in our future. Today we honor with the Yale Law School's Award of Merit Governors Gina Raimondo of Rhode Island and Jerry Brown of California. They come from the most populous state in the Union, and from the geographically smallest; they come from the West Coast and the East Coast; they are one of the oldest and one of the youngest governors in the country. But they have in common the endowments that we seek to give to all of our graduates—the remarkable ability to listen, to learn, and to lead.

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California, my home state, has seen both politicians who are eminently forgettable—does anyone here remember George Murphy or S.I. Hayakawa?—and politicians who are transcendently and brilliantly committed to improving the future. Governor Jerry Brown is one of the latter. When F. Scott Fitzgerald wrote that there were no second acts in American lives, he had not considered a man of Governor Brown's grit and

faith, a man capable of reinvention and exemplary service, decade after decade.

When Brown won his first governor's race—in 1974, mind you—a banner was strung up over his Election Night celebration at the Los Angeles Convention Center. It read: "Age Quod Agis," which is Latin for "do what you are doing," or, in more modern terms, "do your own thing."

Brown lives up to that credo. He is no average pol, and California is no average state: It is the Great Exception, as the governor says. And in his most recent reincarnation—and in California's greatest moment of need—he has exhibited this ability to see beyond the words of the prognosticators and naysayers, and to find a path forward toward stability, order, and progress.

In 2011, California was in dire straits: the state ran a $16 billion budget deficit; thousands of jobs hung in the balance; the state's schools, community colleges, and universities were prepared to shave classes, reduce enrollment, and shutter whole departments.

But Brown would not accept this downbeat fate. As governor, he proposed deep fiscal reforms. And he got those reforms on the ballot as propositions. And then he barnstormed the State—convincing voters to step back from the cliff. Californians responded to his honesty, and to the fact that he addressed the voters as if they were adults. The propositions passed

and, now, the state's budget runs a surplus. Its schools are flush. Unemployment is plummeting.

How did Brown develop his capacity for doing the right thing over the expedient one? The son of a governor; born and raised in San Francisco; educated by the Jesuits at St. Ignatius High School and with a BA from UC-Berkeley—Brown was bred for a life of leadership in California's raucous politics. But instead he struck out on his own, spending three years at Sacred Heart Novitiate, a Jesuit seminary in Northern California. After intense study, he turned out to be of this world after all. So Brown left his life of contemplation in California's foothills and made his way here, to Yale.

It is fair to say that Jerry came to YLS as an eccentric applicant. But that is precisely the kind of applicant for which we are *always* looking. As each of you can attest, we are constantly scouting the country for unique applicants. We seek to *nurture* the precious individuality of each of our students, for only then can our graduates have a shot at inhabiting the law in a way that is *not* alienated.

In this we succeeded brilliantly with Jerry. He graduated from Yale as distinctively committed to his own idiosyncratic path as it was possible to be. And to me, this represents a great institutional triumph.

After graduation, Brown would travel to Mississippi to support the Civil Rights movement and meet with leaders like Bob Moses and Medgar Evers; he marched with Cesar Chavez and the farmworkers; and he served tea to the dying in Calcutta with Mother Teresa and her nuns.

In 1969, Brown launched his own political career. First serving as Trustee for the Los Angeles Community College District after beating 132 other candidates; then as Secretary of State; then as Governor; then as Mayor of Oakland; then as Attorney General; and then as Governor once more.

His desire to serve has never ebbed. And in every position at every moment, he has listened and he has learned, and he has led.

As Secretary of State, Brown fought for new campaign disclosure laws, sued major oil companies over their secretive campaign donations, and translated voter's pamphlets into Spanish. As Attorney General, Brown fought mortgage fraud and battled violent crime. And as Governor, Brown righted the fiscal ship, breathing life into the state's education system, economy, and budget.

The courage necessary to lead in a democracy is a rare thing. But Governor Brown has found it time and time again, and for this we honor him.

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To introduce our next awardee, I turn once again to the words of Governor Jerry Brown. "Recall the story of Genesis," Brown once told an audience:

> [A]nd Pharaoh's dream of seven cows, fatfleshed and well favored, which came out of the river, followed by seven other cows leanfleshed and ill favored. Then the lean cows ate up the fat cows. The Pharaoh could not interpret his dream until Joseph explained to him that the seven fat cows were seven years of great plenty and the seven lean cows were seven years of famine that would immediately follow. The Pharaoh took the advice of Joseph and stored up great quantities of grain during the years of plenty. When famine came, Egypt was ready.

Gina Raimondo, the Governor of Rhode Island and a fellow on Yale's Corporation Board, will no doubt recognize the wisdom of this story. She knows that following its lesson requires courage, which she has already

displayed in rare degree in her short time in office. For her capacity to engage the voters of her state in a constructive and educational dialogue, for her capacity to lead and to learn, today we also honor Governor Raimondo with the 2016 Award of Merit.

When Gina was sworn-in as the 75th Governor of Rhode Island in 2015, a major general placed the governor's gorget around her neck. The gorget is a silver crescent necklace. It is a piece of ceremonial armor—a totem that protects its wearer. Over the next year, Raimondo would very much need that protection. For while the snow that swirled on her inauguration day would thaw by spring, Rhode Island politics would remain icy for seasons to come.

Not long ago, Rhode Island's future had dimmed. The financial crisis had exacted its pound of flesh, and then some. The state shed jobs at a higher rate than any other in New England and boasted the highest unemployment rate in the nation for a spell. But the largest albatross of all may have been the $7 billion state pension system. Over half of it was unfunded. Retired civil servants in Central Falls saw their pensions halved overnight. All across the Ocean State, outrage mixed with despair.

But Governor Raimondo was prepared for this inheritance and for the coming storm. The daughter of a factory worker from a family of butchers,

Raimondo is a product of her Smithfield, Rhode Island neighborhood. She learned hard work there, busing across town to school every day. At Harvard, she studied economics, and graduated at the top of her class. She earned a Rhodes Scholarship and completed a doctorate at Oxford. Then she came to us, at Yale Law School, to round out her education.

What does someone of Gina Raimondo's talents do next? She chose to return to Rhode Island and to start one of the state's first private equity firms, Point Judith Capital, investing in local businesses. But when Raimondo heard that state budget cuts were threatening to shutter local libraries, she couldn't help but enter politics—first becoming General Treasurer and then the first woman to ever win the governorship and the first Democrat to hold the office in over two decades.

Teddy Roosevelt once lauded the politician who is not paralyzed by fear or indecision. He said:

> It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man [or woman] who is actually in the arena, whose face is marred by dust and sweat and blood.

Without question, Gina Raimondo has been the woman in the arena. As Treasurer, she first wrestled with the pension fund and helped pass legislation to try and tame it. Then, as Governor, as a *Democratic* Governor, she defended her work as Treasurer to cut cost-of living increases for public employees, increase retirement ages, and also to raise taxes. These are all terrifically hard and unpopular decisions, especially for a Democratic. But they were decisions that Rhode Island urgently needed.

Gina learned the circumstances of the State. She listened to its citizens. And then she exercised remarkable leadership. And the results are clear to see. Her latest budget increased K-12 funding; the state unemployment rate is at one of its lowest points in eight years; and last year Rhodes Island's housing market had its best year in well over a decade.

Like Governor Brown, Governor Raimondo knew what needed to be done, and she did it. She knew what her state required, and she executed it. Dogma, tradition, and party expectations fell to the wayside. Necessity and duty were her compass points. And today, because of her courage, Rhode Island shines with possibility.

It hasn't been easy, though. La Salle Academy, her high school in Providence, took her portrait off the wall for her stance on reproductive

rights. Her fellow Democrats scolded her over the pension fund. But Raimondo remained tough. She held fast to her values. And she mustered the leadership to make necessary decisions.

Perhaps, like Governor Brown, Raimondo's courage emanates out of her faith. Perhaps it springs from her family. Or perhaps it comes from some alchemy of the soul that predisposes her to work feverishly for the public good—suffering the blows of the public arena instead of retreating to the safety of private life.

As we all know too well, average pols are content to sway with the winds of public opinion. Average pols swing to the rhythm of public whim; they do not call the tune. But these two governors are not average politicians. They are drawn from that rare stock of leadership capable of standing resolute when the baying of the crowds become deafening. They are capable of holding fast to their values, trusting their intellect and their vision of the future. And without the courage to exercise that kind of strength, democracy, as Pericles tells us, is impossible.

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In 1956, John F. Kennedy published a Pulitzer Prize-winning book, *Profiles in Courage*. It was a paean to courage. But not just any hue of courage—Kennedy wrote about political courage. The future president wrote that the "basis of all human morality" is born from those who "in spite of obstacles and dangers and pressures," do "what they must." He wrote about senators like John Quincy Adams and Edmund G. Ross who made decisions that were not politically expedient but were the right thing to do.

Kennedy concluded that:

> The true democracy, living and growing and inspiring, puts its faith in the people—faith that the people will not simply elect men [and women] who will represent their views ably and faithfully, but will also elect men [and women] who will exercise their conscientious judgment—faith that the people will not condemn those whose devotion to principle leads them to unpopular courses, but will reward courage, respect honor, and ultimately recognize right.

We may think of those who succeed in politics as conscientious representatives—but never forget that politicians adopt this stance at great

personal risk. The two Governors we honor today will be celebrated for years to come. They will be remembered as a statesman and stateswoman who had the grit and determination to make the right decisions, time and time again. Let their brave struggles remind us that despite the sorry state of our national politics, there is hope. Great hope.