COMMENCEMENT ADDRESS

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By

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Few Commencements offer opportunity to speak to graduates so mature in experience and in years as do those of National University. Your years of study here have not been a merely pleasing interlude between the age of compulsory education and the age of self-support. You, who have sacrificed leisure to study, who have paid your own way to remove shortcomings which you yourselves have recognized in preparation for life's work, know both the cost and the value of better training. Your purposeful and sacrificial pursuit of learning, not as an incident of adolescence but as a necessity of satisfactory adult life, marks you off as a particularly satisfactory Commencement audience for one who has shared much of your handicap, as well as your aspiration.

A graduating class, self-supporting, and with an average age of twenty-nine years, takes a hard-headed view of educational values. It will not do to tell you that just because you have a diploma a conquered world lies at your feet. You know the perplexing modern world too well, light heartedly to assume that your struggle ended when examinations were passed. You know that the problems of unemployment and of overproduction are just as acute in the learned professions as in the crafts or in unskilled labor. You know that a diploma is no insurance policy against disappointment, hardship, or even failure.

Also, you are too mature and have too much known the hardening and sharpening realities of life to believe that education is a commodity to be acquired in some fixed quantity by weight or measure and thereafter stored up and always kept. It is not something you get, but something you forever must be getting. Most men who fail, do so, not from lack of teaching but from

want of teachability. Life is forever handing out lessons, admonitions, opportunities and inspirations. Schooling has reached its most useful end if it can teach how to go about it to master new situations when no tutor or advisor can come to one's aid.

Our Educator-President, Woodrow Wilson, has well said:

> "I have realized all my life, as a man connected with the tasks of education, that the chief use of education is to open the understanding to comprehend as many things as possible. That it is not what a man knows—for no man knows a great deal—but what a man has upon his mind to find out; it is his ability to understand things, it is his connection with the great masses of men that makes him fit to speak for others—and only that."

Relatively few of you have had the opportunity of college preparation for your professional study. I have shared that disadvantage. Let us be too wise to underestimate the value of four years of developing scholarship just because we cannot claim it as an asset of our own. It should provide a deepened insight into the cultural foundations of our Twentieth Century society and help to understand far-flung relationships not revealed in work-a-day tasks. Without it we are in danger of judging the universe by our short and narrow experience, and of losing the perspective which a college course should give. College should give one a detached appraisal of life and a chance to get his feet on firm ground before he begins to be jostled by all the futile movements of uneasy people.

But four years of college life—the most impressionable four years of life—are not net gain. The dif-

ference between a youth sheltered in college and one tossed into the stream of life to sink or swim, is not that the one misses something while the other misses nothing. Both miss something—and each gets what the other misses. And it is no small matter in preparing for a turbulent profession to miss four years of actual "catch-as-catch-can" struggle with the problem of making a living for one's self. That, in impressionable years, has a disciplinary value of its own.

I again borrow from Wilson who, to a group of rich young college men, once bluntly said:

> "Most of you fellows are doomed to obscurity. You will not do anything. You will never try to do anything, and with all the great tasks of the country waiting to be done, probably you are the very men who will decline to do them. Some man who has been 'up against it,' some man who has come out of the crowd, somebody who has had the whip of necessity laid on his back, will emerge out of the crowd, will show that he understands the crowd, understands the interests of the nation, united and not separated, and will stand up and lead us."

Many of us who have turned to the law as a profession seek certain intellectual satisfactions, as well as the more material, and sometimes more indispensable, satisfactions which we call retainers or salaries.

No one can study law and the related science of government, without getting from it contributions that alter his outlook and influence his whole intellectual attitude. The law and its institutions are the handiwork of great thinkers, and whatever its defects in detail—and they are many— as a whole it is a majestic structure, and it takes hold of the thoughts and affections of those who dwell in its shadow.

But I am not going to talk to you about what you can get out of the legal profession, but rather of what you can put into it. No one enters the law without carrying to it some contribution—be it big or little—of his own. For better or for worse, each of us who labors, be it ever so humbly, in the field of jurisprudence, does influence the currents of thought in his profession and does help shape the law and legal institutions. The level of the law can rise no higher than the average level of those who administer it.

Must you and I then come to the treasury of the law empty-handed—or worse, empty-headed—because of the limitations on our formal educational training? We are not likely of course to bring to it the ornaments of extended scholarship, nor to fortify its texts with original researches, nor to refine its doctrine with delicate craftsmanship. But it may lift up our hearts to realize that scholasticism and research and refinement are not the only—and I think in our day not the most needed—of offerings to the administration of the law.

There is an old story retold by Mr. Justice Brandeis. When one of the East European states was established it sought the services of a noted scholar of jurisprudence to write its code of laws. To the surprise of many, he left the libraries of the University and went and lived two years among the people whose laws he had engaged to write. Thus he thought he could learn that code which would be adapted to the lives, the ways, and the traditions of those people.

We, who come to the law from close association with the lives, the struggles, and the aspirations of our people, may bring a more authentic ideal of justice

than some who come to the profession from a longer companionship with the books. Law is lived before it is written. There is more orderliness in the daily affairs of men than ever gets into the books. Life brings forth a logic of its own, and our American way of life, if we will but let it speak through the law, will write a Code that will bring social and economic, as well as legalistic, justice to our people.

But the law must proceed from the people to the books, and not from the books to the people, and each generation must rewrite its own rules of conduct. It is the ultimate task of our profession to restate our laws from generation to generation, always writing into them a little—sometimes only a little—of the people's current ideal of justice. One of the chief tasks of courts is to find respectful ways to overrule or to "distinguish" decisions of an earlier day. Out of the travail and injustice of today we rewrite our leading cases of tomorrow. Thus the process of making law is never finished. We sail a sea that has no shore—the journey to justice has no end.

The opportunity to contribute a bold and informal common sense to the profession of the law is constantly present to those who serve the government. Nowhere does the lawyer feel that he is more directly contributing to the shaping and developing of the legal thought of his day than in the legal branches of the Nation's great departments.

The government service is a great university. We do not take formal lessons from paid teachers, but we go to school to each other and to events. And sometimes it is the dullest of us who teach the best lessons. In a great variety of fields the government throws opportunity to

learn at those who serve her. Whatever harassments and vexations government service may impose, we may surely take to heart the assurance of William James, who said:

> **"Let no youth have any anxiety about the upshot of his education whatever the line of it may be. If he keep faithfully busy each hour of the working day, he may safely leave the final result to itself. He can with perfect certainty count on waking up some fine morning to find himself one of the competent ones of his generation, in whatever pursuit he may have singled out."**

Government, in spite of tales to the contrary, is in constant search to find men who will keep themselves big enough to carry out its more venturesome functions. We need men open-minded and teachable enough to grow as fast as the complications they are asked to master. Men must keep accumulating intellectual capital long after they leave the college or the law school with its routine goadings to learn.

Only the consciously competent dare tackle the newer and more perplexing tasks. One of our difficulties today is a sheer lack of courage to go ahead and make changes, even when we are intellectually convinced that they are right and will come about "some day." These "some day" mentalities are the bane of public life. Many a man in high political and business position is terrified at an immediate change anywhere, lest it upset his own precarious balance. Such fears reflect his doubt of his own stability and his own ability to take care of himself in a shake-up. He feels confident of his survival, only so long as he does not have to give up his advantages and take his chances with other men in new conditions.

But if the democratic countries are to get the highest return from educating men, they must be taught more than mere naked competence. I have read with deep interest and hearty approval of the plans of one of our great universities to establish a School of Public Administration. It is needed. Its field is wide; its opportunity challenging.

But it will fail if it starts men towards public service with nothing more than ability, knowledge and efficiency. Our great universities must, of course, give us men wisely educated to run democratic government. But they must also have sympathy and understanding of the needs and aspirations of humble men or they will not be allowed to run it. The schools must train men who will be not only able to be leaders, but also acceptable leaders—acceptable to a democratic electorate.

The absence of class distinction in fact, as well as in form, has been the glory and promise of American life. But it is no light thing to endure poverty without complaint or to possess wealth without a sense of separateness. We know that different levels of living will produce different ways of thinking. Men educated to be our leaders must see the danger in this condition and develop at least an intellectual understanding that will cross every barrier of class or caste.

Today we face a political, economic, and social problem all rolled into one. We must avoid the freezing of class lines, as they have already formed in many older countries, while we try, through government, to bring greater opportunity and security to the mass of our people. We need as never before from our institutions of learning, men—courageous men—trained not merely

to be wise and efficient, but more importantly gifted with the sympathy and imaginative understanding to deal with the aspirations and hopes of a democratic people. Only they can become acceptable leaders to a free but troubled people.

You men and women have reached the hour when the discipline and sacrifice you have undertaken in the interest of self-improvement are rewarded with the approval of this Institution. May I congratulate you and bid you bring to your profession the common sense and passion for justice that dwells always in the hearts of simple people. May you contribute to your country, not merely a competent and an instructed judgment, but an understanding and human sympathy which will help find the way to security and more complete justice, upon which all enduring social peace must rest.