

Commencement 2005

San Francisco D.A. Kamala Harris ('89)

"Justice requires. . . imagining the potential of what could be."

It's a great honor to address the Hastings College of the Law Class of 2005. I'm here because I sat where you are about 15 years ago and perhaps also because there are solid though not always apparent connections between the practice of law in general and the work of the criminal justice system in particular—both having, of course, as their foundation the concept of justice.

But let me start by acknowledging the horribly wonderful experience you've had over the course of the last three years: you entered this place with outstanding LSAT scores; had your first hands-on look at our glorious school in the Tenderloin; endured hours upon hours of lectures, beers on the beach, and the grueling rigor of on-campus interviews in black and blue suits and white shirts. And now you sit as one body, bonded by a common experience and ready to make your mark on the world.

As attorneys, you will have the opportunity to pursue many paths. Whether you wind up in a courtroom, a boardroom, a conference room or a classroom; whether you make your mark in the halls of the legislature or on the board of a nonprofit; whether you choose to represent General Motors or a homeless person on general assistance—regardless of how you choose to practice law, you will play a vital role.

As stewards of the law and guardians of the principles beneath it, we expect that you will be great, but you will also face some tough choices. Grounded in those choices will be the issue of how to use the power vested in you, how to make real the oath that commits each of us to defend those inalienable rights that are at the foundation of our laws, inalienable rights that essentially encompass the promise of justice.



San Francisco District Attorney Kamala Harris.

Being an advocate for justice is what deeply sustains me. But being an effective advocate for justice is not simple, and I think it requires seeing the whole picture, not just individual pieces of the puzzle. For example, when a homeless person commits a crime, is justice achieved when that person is charged with the crime and therefore held accountable? Certainly, that is one step in the process. However, justice truly occurs when I also understand how the person wound up on the street and how the system works to rebuild lives, so that the person and our community are free from crime. To do the work of justice means a commitment to solving a problem in a holistic way.

We cannot find the way to a solution without seeing the whole picture and the true nature of the whole. We have to stretch our vision, ask the tough questions, and make connections among all the actual—and not just apparent—pieces of the problem.

Our law schools teach us to think in compartments and to analyze whether a legal problem involves a tort, a contract, a crime, or a copyright infringement. We're taught to further condense the issue into one of two procedures: civil or criminal.

Then, we are taught to find and apply the latest court decision that we call "on point." Although these are great teaching tools, in real life, real people—real clients—don't live in those simple compartments or boxes. And, I promise you, not one of them will call up an attorney crying, "I have a legal problem because of the rule against perpetuities!"

Justice also requires looking beyond the first thing we see to imagine the potential of what could be.

Instead, they will come to us with a messy situation that has to be sorted out, and if we can only see one narrow part of the story, the remedy we propose may well be short of a real solution.

So, let us see the issues when the connections are not obvious or, in some cases, even counterintuitive. Let us, as lawyers, see the hidden connection. That is what your clients will require, and our most demanding client—the struggle for justice—requires that we make these connections.

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Civic Center Plaza was the scene of many commencement photos.

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I often talk about the antiquated categories created for judging the criminal justice system: tough on crime or soft on crime. Instead, I suggest that law enforcement view its responsibility as stretching beyond simply moving criminals off the street and into jails. In our quest to be smart on crime, I suggest we consider a reform of the criminal justice system by bringing the methods and resources of the public health system to support our goal of violence reduction.

After all, by treating the incidence of violence as an epidemic, should we not as attorneys, doctors, law enforcement and epidemiologists, work together? Should we not recognize that if we are to stop being victimized by crime, we must make the

connection between the incidence of crime and the cause of crime? And shouldn't we look to methods of crime prevention?

Justice also requires looking beyond the first thing we see to imagine the potential of what could be. This country was created because of our founders' ability to imagine, and our ability to make real, the promise of liberty. Because of this, lawyers were at the core of crafting our very definition as a nation, a nation governed not by men but by law. And there is no greater work as lawyers, then and now, than to achieve the potential of this country.

In my work, I grapple with balancing the coexisting demands of keeping the city safe while ensuring due process of law. As we know, these tensions are also playing out at a national level. Questions about

civil liberty versus safety are being raised, and these questions are being framed in the language of patriotism. Let us remember that one of our greatest patriots, Benjamin Franklin, said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

When it comes to patriotism, no one has the right to hijack the definition of what is moral or just. Every one of us, when we to swear take a stand for those who are entitled to fundamental and constitutional rights, is reaching to the truest ideal of American patriotism. Each of you will have the ability to participate in what we, as a society, can be. I cannot wait to see what each of you, members of the Hastings Class of 2005, will do next.



Photo Key

- 1 Valedictorian Mark Schmidt.
- 2 Board of Directors member Tony West, Commencement speaker Kamala Harria ('89), and Chancellor Kane.
- 3 A new alumnus sheds his "pre-graduation" persona.
- 4 Class speaker Rachael Keast illustrates with props from her classroom days.
- 5 Commencement at the Bill Graham Civic Auditorium.