

John Payton '73
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It is a very special honor to be asked to speak here today. In thinking about what I would say, I found myself reflecting back on the issues that defined my generation. The Civil Rights Movement, the Kennedy assassination, the Vietnam War and the Peace Movement it spawned. Political activism itself. And that reflection led me to think about the issues that will define your generation. What are they? Terrorism? The threat to our core values presented by the response to terrorism? The realization of how diverse and yet interdependent the world has become? It is hard to pose any of these questions without reference to September 11. Because September 11 will likely have a tremendous impact on the issues that define your generation. So, I want to begin by talking about September 11.

September 11 was almost four years ago. Sometimes it seems longer; sometimes it seems like yesterday. I became the President of the District of Columbia Bar four years ago next month. June 2001. The District of Columbia is a medium size city with a very large Bar. There were then over 76,000 members of the DC Bar. Over the summer the Bar is pretty quiet. The first meeting of the Board of Governors -- our trustees -- is in the fall. I had an aggressive agenda for my presidency that was to begin at that meeting. And in 2001 that first meeting of the Board of Governors was scheduled for Sept. 11, 2001.

September 11 was a Tuesday. That Sunday I had just returned from the United Nations' World Conference Against Racism that was held in Durban South Africa. Tuesday was my first day back in the office. I had a TV on my desk, and someone sent me an email early that morning about a report that a small plane had crashed into the World Trade Center. I turned on the TV and saw the second plane hit.

That Tuesday was a literal nightmare. Two planes crashed into the World Trade Center in New York, a third plane crashed into the Pentagon. The Towers collapsed. Thousands of people were killed. A fourth plane had apparently attempted to crash into the White House. Or into Congress. The President was in an unknown secure location. There were reports that the State Department had been bombed. That the Capitol had been bombed.

Of course I canceled the meeting of the Board of Governors. And, because the Bar's offices are only a few blocks from the White House, I also closed the offices and told everyone to go home. The next day, Wednesday, the Bar reopened and I decided to visit with all of the employees who had come to work.

We met in a large conference room to talk about the unforgettable images that are now seared into our memory. Around the room was an incredibly diverse group of people. I asked to hear from all those in the room. One woman talked about walking out of the Bar offices on Tuesday and not knowing if she should walk close to any federal building out of fear it may be a target. Another talked about cringing when a plane flew overhead. A parent talked about going home early and not realizing that her son had also come back from high school early and had been frantically and unsuccessfully trying to reach her at the Bar, not knowing that she was already on her way home.

Another person at the meeting told of walking toward the huge Mall that runs down the center of the District of Columbia and seeing tens of thousands of frightened people rushing across. Men, women, children, all races, all ethnic groups, all categories of people. But not panicked or rude or discourteous. Rather, they were aware and supportive of each other. Cars were grid locked on the streets, but there were no horns blaring. There was a common unspoken sense that we were all in this together. Differences that had divided us the day before, had lost meaning when the planes hit the two towers and the Pentagon.

That day we did not have a race problem in America. I think we all had a similar initial reaction to 9-11. Horror. And unity.

I also think September 11 had special significance for the seniors here today. College is where many of us, probably most of us become adults. Where we try and figure out who we are, what we want to do. For you graduating seniors today, that has all happened in a post September 11 world. You are unique in that sense--the first class of college seniors whose entire college career was post 9-11.

I have talked to some of you about September 11. Although the fall term had begun a week earlier, for all practical purposes, your college years began on September 11. And September 11 has hung like a cloud over much of the time you have spent in college. Sometimes in the foreground, always in the background.

Unfortunately, that remarkable spirit of unity that we all experienced on September 11 did not last. Almost immediately it was replaced by two very disturbing developments. The first was a rejection of and hostility toward the value of racial, ethnic, religious and cultural diversity. This manifested itself in the extreme distrust of certain persons and cultures and religions thought to be incompatible with American values and culture. The second development was a serious erosion of fundamental legal rights that we cherish and promote as Americans. There is irony in both of these developments. Strength through diversity and the importance of legal rights are key parts of the American experience.

With respect to diversity. We are the most diverse country on the earth, the result of extraordinary immigration over centuries. Continuing to this day. Not that we have not had fundamental problems with respect to this diversity; but we have certainly come to understand its importance, and even to embrace it.

Yet, after September 11, we have seen the rise of the view that the United States does not need the rest of the world. That the concept of the United Nations is suspect. As are some historical allies. International agreements we had promoted only months before were reevaluated and dismissed. Some acted as if we could -- as the only military superpower -- create a "Fortress America" and relate to the rest of the world from within that Fortress.

Even if that were possible, it would not be desirable. But it is clearly not possible. To say there is a world economy sounds trite but it also understates just how interrelated the world has become. Things we buy, food we eat, websites we visit, services we depend upon, come from all over the world. As do our colleagues, our friends, our teachers, our co-workers. What happens over there, what we do over there, affects us here. And today, we often know what happens around the world in real time. Live. Avoiding globalization is no longer an available choice; the only choice is the terms under which we operate in the global community.

Today, no nation can be an island.

There is a second irony to this effort to pretend we could shut ourselves off from the world in response to September 11. At that very same time, the issue of diversity was before the United States Supreme Court in the Michigan affirmative action cases. And in those cases virtually all of higher education, including Pomona College, was telling the Supreme Court about the extraordinary value of racial and ethnic diversity. At that very same time our major corporations were telling the Supreme Court about the value and necessity of racial and ethnic diversity in order to be able to operate in the diverse world. Even the military was telling the Supreme Court about the overriding importance of diversity.

And the Supreme Court agreed. This is how the Supreme Court put it: “[N]othing less than the ‘nation’ s future depends upon leaders trained through wide exposure to the ideas and mores of students as diverse as this Nation of many peoples.” A statement that applies equally to the diversity of the entire world. Colleges and universities have long known this reality. And have long held a comprehensive view of diversity that includes racial and ethnic diversity, gender and geographic diversity, socio-economic diversity. But also the diversity of international students and international experiences. Certainly Pomona College has been well ahead of the curve on that front. The Oldenborg Center is a testament to that commitment. Learning in an environment that is diverse in multiple ways produces better-educated graduates and leaders. Who will contribute to a better society and a better world.

Learning and operating in this diverse world allows us to see people as the people they are. Not as some type of foreign other. Fear thrives on ignorance. Equally important, however, learning and operating in a diverse environment allows us to see ourselves in a broader and richer context. And to understand ourselves in that broader context.

But don’t get me wrong. Fear can sometimes overcome some of the best of intentions. Nevertheless, what comes from understandings based on diversity can act to protect us to some extent from that fear. Especially the fear of an other we do not know.

This fear is what led to the second development that occurred immediately after September 11 -- the erosion of legal rights. Rights are part of the American identity. Rights with respect to the government. Rights that limit the power of the government.

We all remember what happened. There was an overwhelming fear of Muslims or Arabs. That quickly expanded to include anyone who was from the Middle East or North Africa. And then it just expanded to absurd proportions. Sikhs were attacked. So were Christian Lebanese. And Christian Iranians. People were afraid to fly with anyone who they thought looked threatening.

The vague image of Muslims or people from the Middle East or maybe just foreigners began to emerge as the profile of a potential terrorist. Tens of thousands of people were rounded up by the Immigration and Naturalization Service. And held without bond. The fact of their detentions was kept secret. They were not allowed access to counsel. Almost all of those rounded up were summarily deported. A few were arrested and charged, as opposed to being deported without charge. Almost all of those turned out, on inquiry, to be innocent.

Congress, in this atmosphere, passed the Patriot Act. The Attorney General of the United States claimed that those who raised issues about rights being trampled were giving aid and

comfort to the enemy. That is the definition of treason found in the Constitution. Chilling words intended to be chilling.

It was in this atmosphere that in December, 2001, in a widely reported incident here in California, the publisher of the Sacramento Bee delivered the commencement address for the mid year graduation ceremonies of California State University at Sacramento. Ten thousand students and their guests were in attendance. When the publisher talked about why civil liberties matter in these times, she was booed. When she raised the issue of racial profiling and worried about the possibility that it could become routine, the crowd responded by cheering that possibility. The speech had to be halted and she had to be led off the stage. It was a shocking reaction by a crowd motivated by fear.

Other actions to curtail rights after September 11 were much more deliberate and calculated. And initially at least, secret. The interrogation techniques at Abu Ghraib. And at Guantanamo. The cavalier attitude toward the Geneva Conventions. The practice of “extraordinary renditions” in which the government apprehends a person and transports that person to another country for secret questioning that likely would entail torture. The claim by the government of the right to strip any person designated an “enemy combatant” of literally all rights. If another country had done these things prior to September 11 we would have condemned them. When we do these things, we risk becoming another country.

These are the fundamental challenges of our times. Appreciating the value and necessity of diversity in an international context and the preservation of our core rights. As I am sure you are aware, for some time there has been a sense that younger generations have been drifting with respect to involvement in social and political issues. That there was a lack of commitment, even a lack of conviction.

This concern was present well before these fundamental issues presented themselves in a post September 11 reality. Whether we could afford that lack of conviction before September 11 is now beside the point. Because today, we cannot. Today the very things that define us as a country require conviction and commitment. And courage.

What are the things that define us as a country? The rule of law certainly. The idea that the government may not act except pursuant to law. At its most basic, this is the right not to be detained by the government unless charged with violating a law, with attendant rights to counsel and human treatment. Clearly the right not to be tortured.

Freedom of speech. Freedom of religion. The right to participate in the political process. This right of participation being enjoyed by all without regard to race or ethnicity or gender or political viewpoint.

All of these rights protected by an independent judiciary.

No one openly disagrees with these fundamental values. But there are now doubts about whom these rights are for. These doubts come from fear. Fear of “those people over there” that “are not like us.” Fear that is projected onto people right here.

This fear of “others” is corroding our confidence in basic democratic values. Our democracy is about interdependence and shared responsibilities. In Abraham Lincoln’s famous formulation:

“Government of the people, by the people and for the people.” That, in turn, depends on a confidence in the whole. And in what makes up the whole. Our country’s enormous racial and ethnic diversity -- drawn from all corners of the globe -- is a potential source of great strength. And that strength from diversity is essential to thriving in today’s complex world. But to realize that strength depends on our ability to use and appreciate that diversity. To recognize it as an indispensable democratic value. It requires us to know ourselves. To have confidence in ourselves.

We are an imperfect democracy. Not too many years ago our country rejected the very idea of strength from diversity. That failure to appreciate our diversity undermined and scarred our democracy. And resulted in our disgraceful legacy of racial oppression. We have made significant progress, but we still have issues regarding our democracy.

It is now conventional to talk about how September 11 changed everything. This is often said with a tone of “it is time to set aside foolish causes like human rights and turn to serious causes like national security.” I think that is the wrong point. The point is to see that September 11 does not change everything. And that task falls to all of you here today. We all felt the sense of unity that first characterized the response to September 11. That sense, that strength, needs to be captured as the legacy of September 11. Because we need that strength to make sure that the things that define us as a society are not compromised and lost in the response to September 11. To see that the knowledge and understanding that comes from the world’s diversity is viewed as a strength. This will not happen by itself. It will require commitment and courage.

So, let me end by returning to something I said a few minutes ago. That is the observation that the generation represented by the seniors here today seems less interested in social and political issues. That your generation seems less committed. Now, I know that is a generalization and that Pomona students certainly exemplified the unifying reaction to September 11 that I talked about earlier. There were teach-ins and rallies on this campus that were designed to be unifying. That said, I have heard this concern about commitment by your generation from some of you as well.

Why is this the case? I think part of the explanation relates to an impression that the most significant social issues -- civil rights is the example most used in this discussion -- that the most significant social issues were addressed by my generation and largely resolved. That there is less need of commitment today.

Let me be blunt here. That impression is false. We have made progress, no doubt about that. But we have certainly not solved the problems. We still see significant racial and ethnic disparities in economic achievement, educational achievement, our criminal justice system, our neighborhoods, our life possibilities. And beyond issues of race are other important challenges. Issues of economic and social justice. And, it should be obvious that every one of these issues today has to be seen in a broader international context.

Equally important, of course, there are these new overriding and fundamental issues at play today.

Democracy depends on each successive generation to recommit to its values and to see that they are preserved. Because what our government does it does in our name. Of the people, by the people and for the people. It is our democracy.

My generation thought we could achieve racial and social justice. We thought we could affect the Vietnam War. Perhaps more important, we thought we should do these things. We were confident and cocky. And, in hindsight, sometimes quite simplistic. But committed and certainly not lacking in courage. It is not that we all went off to be activists. It is that we took these attitudes with us wherever we ended up.

Those were exciting times. Challenging times. Times whose outcome was uncertain. Like today. Nothing is certain. Except that these too are exciting times, challenging times. Times that require commitment and courage.

There are huge issues before us today. So what can any of us do individually? You all know the answer. You are a special group of individuals, from a special college. Some of you are future leaders. All of you can make an impact. You can bring commitment to these issues. You can bring courage to these issues.

It's your turn. Make us proud.

About John Payne '73

John Payton, widely considered to be one of the nation's leading civil rights attorneys, will give the keynote address and receive an honorary degree, during the event. A member of the Pomona Class of 1973, Payton is a partner in the firm Wilmer Cutler Pickering Hale & Dorr and was the lead counsel for the University of Michigan in the two landmark college admissions affirmative action cases decided by the U.S. Supreme Court in 2004.

He has served in leadership roles in the National Lawyers Committee for Civil Rights Under Law, the Washington Lawyers Committee for Civil Rights and Urban Affairs, and the Free South Africa movement. Payton is also a past president of the District of Columbia Bar Association. A native of Los Angeles, Payton earned his law degree from Harvard Law School.