

Arthur Liman Memorial Lecture
October 18, 1998
Park Avenue Synagogue, New York

PHOTOCOPY
PRESERVATION

**First Lady Hillary Rodham Clinton
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Thank you very much. I am so honored and deeply privileged to be here. I want to thank Ellen Liman for extending this invitation to me. And I want to thank Louis, Emily, Douglas and the entire Liman family as well. I want to thank members of the Park Avenue Synagogue, other friends and distinguished guests.

This is an opportunity that is extraordinarily rare because we gather together to begin something together -- the first annual Arthur Liman Lecture -- in honor of a great man, a member of this synagogue, someone who has influenced countless people -- lawyers, business leaders, politicians, academics, advocates, citizens. And who made a welcome friend in his too short life.

I feel so strongly that Arthur Liman set an example and a model for many of us -- not just those of us who are lawyers, but those of us who are citizens, family members, friends. And I hope to do some small justice to his memory with my remarks this evening.

I know, of course, that all of you who are here made the ultimate sacrifice, seeing as the World Series mistakenly scheduled their second game during this lecture. So, along with the honor of giving this lecture, I have been given strict instructions to break in, wherever necessary, a commentary about the game.

I had to confess to the Rabbi and some of the leaders of the congregation that although I grew up in Chicago being a Cubs fan, I needed an American League team. And, any of you from the Midwest would know that one cannot be both a Chicago Cubs and a Chicago White Sox fan. And so, I chose the Yankees. I don't let many people know that so let's keep it just among us. But I did watch the end of the game last night and I can guarantee you we will be out in time to see the end of this game.

I am especially pleased to be in this magnificent synagogue where for generations the Limans and other New York families have come not only to worship but to feed the hungry, lift up Russian immigrants in need, and ultimately serve the entire community. That is exactly what Arthur Liman always did.

In his extraordinary autobiography, "Lawyer," Arthur talked about a story he heard Robert Kennedy tell once. Kennedy was visiting with a group of students at an urban university. Pointing out a slum, he asked the young people, "What are you going to do about that?" The next day the group bought (inaudible). And Arthur said, that was not the Kennedy's answer to the problem. And that was certainly not Arthur Liman's.

For those like my husband and myself who attended Yale Law School after Arthur Liman, he

served as a glowing example of how we could use the tools of the law and the education we had been given to pursue justice and freedom and human rights, especially for those who have been too often ignored.

He showed us by example, both in his professional and his public life, how lawyers could take the words inscribed over the highest court in our land, "Equal justice under the law," and make them come alive. Whether he was serving in the spotlight at the Iran-Contra hearings or out of the limelight trying to make the legal profession look more like America, he was a constant model and something of a pride for our conscience as well.

I am pleased that the Yale Law School has established the Arthur Liman Chair for Public Service and the Liman Fellowship and Fund for Public Service. And I know that his influence will live now in the lives of so many students who will take advantage of those opportunities.

As Arthur wrote in his book, being a lawyer means defending the rights of the helpless, not just the wealthy. For him, it meant defending poor people without a voice, citizens struggling with drug addiction and AIDS, and prisoners. It also meant being a lawyer in a way that not only carries courage, commitment, passion and perseverance, but also humor.

I am told that years ago he even offered to represent Bob Rubin's 6-year-old son, Phillip, for the boy was told to sit outside the classroom after allegedly disrespecting the teacher. Arthur brought to everything he did, whether it was defending a major corporation, a very important American citizen, a prisoner at Attica, or a 6 year-old boy, the same commitment to his clients that has continued to inspire us today.

But I know that if Arthur were here, he would not want us to talk about the past, or dwell on his accomplishments, but to draw lessons from his life and his career that could guide us into the future. How do we honor Arthur Liman?

Well I think one way is by remembering Deuteronomy 16:20 -- the simple instruction, "Justice, justice shall pursue." Now what does that mean today and what does that mean to us? Here we stand on the brink of a new century, on a new millennium, in a land that is so blessed that we often take those blessings for granted. How do we ask ourselves the hard questions that Arthur asked and would ask if he were here? How do we make sure we do not become blinded by our blessings, but instead we keep our eyes wide open?

Well, one of the ways Arthur might tell us to do that is to look for ways in places that are beyond our regional experience, where we could see first-hand what is happening far away and up close situations, whether here in New York City or across the ocean. Arthur did that by getting involved as a lawyer in everything from the Legal Aid Society and the Neighborhood Defender Service of Harlem, to the Legal Action Center, to the Capital Defender Office where he provided defense for poor people facing the death penalty.

Those were not easy assignments. It is not easy to sit across the table from someone accused of murdering another human being and to see that person as a human being himself and to look for

ways to ensure that our system of justice treats him fairly and that due process is served.

So Arthur might say to us, seek out places where we can be sure that our experiences are broadened, where our vision is lifted up from our day-to-day lives. See what is happening in other people's America. See what is happening around the world. And as a lawyer, Arthur would ask us to think of ways that we could ensure that the rule of law and justice and fairness and due process -- all the concepts which are enshrined in our constitution and our legal system -- are real for all of us.

If we take the lessons and values that he has laid out in his career -- and explained both publicly, funnily and memorably in his autobiography -- I think it gives us some guidance on how we can think about the future which awaits us. I spent a lot of time thinking about the turn of the century, because it is going to happen whether we do anything about it or not. But it provides the opportunities for us to think about what kind of people we want to be. How do we want to be remembered in the next century? What kind of community, what kind of synagogue, what kind of family do we want to help build? And if we ask ourselves those questions, I think we can see the challenges which lay before us.

There is a very big word which describes much of what is going on in the world today -- I hear it often -- and that is globalization. No one can quite define for me what it means, but there are people who are passionately opposed to this concept that is hard to define. We know that we are becoming more interconnected. Our lives are becoming more interconnected with people we don't know, that we have nothing we can see in common with each other. Increases in technology and changes in the economy, the effects of transportation and communication on our everyday lives -- those are all facts of life today.

It is certainly here in New York which is a global financial center. We watch, with some amazement, as changes which happen around the world very well affect how well off we will be and the quality of life we will have in the future. In ways that we could have never predicted just a few decades ago, we are now interconnected financially and in so many other senses.

So how do we think about these new challenges? Well first, I think that we have to accept the fact that the changes which have occurred in our world are ones which will not go away. We can't rail against the Internet, as I often do, for what it may purvey, for it is there to stay. I might be upset about massive movements of global capital, but that is going to happen. I may be worried about the impact on cultures here at home and abroad and the changes in the mass media and the kind of things which are put forward to children and adults, but I don't know how to deal with that.

I often ask myself those questions and I wonder, what would Arthur say? I am thinking he would say that we have to do some hard thinking about these challenges as we approach the millennium. We cannot be afraid of them. We have to be willing to say to ourselves that there are some things that seem out of control in our lives today. How can we bring to bear some solutions? How can we use the tools that we have -- our particular legal system, the rule of law as we attempt to spread it around the world, our financial wherewithal -- to try to bring order to

what seems to be an increasingly disordered world and community?

If we have to ask those kind of questions then I think we have a millennial challenge in front of us. My husband and I have adopted a theme to think about the millennium, "Honor the Past, Imagine the Future." Honoring the past is being honest about it -- keeping our eyes wide open, acknowledging the great disappointments and tragedies of this century, but also the advance and the progress as well. Understanding clearly what we wish to bring from the past and what we would prefer to leave behind, and how to best structure a present so that we can imagine a future which is better for ourselves, our children and our grandchildren.

I went back and I read about the last turn of the millennium in 1000. And there were so many naysayers, so many "doom and gloom" profits. There was one particular monk who made a living going place to place and scaring people telling them the end of the world was at hand. He told them to give away their possessions, hide and wait for the end to come.

This monk, who couldn't hold a job after being expelled from the monastery, always had an audience. He reminds me of the many people who comment today -- the more sensational, the more pessimistic, the gloomier, the bigger the audience. There were always people who were prepared to believe the worst about themselves and about their futures. But the earth did not implode as was predicted.

Just as today, when we are facing so many changes, there was of course, fear. But there were also advances -- spread in literacy, new universities -- things began to happen that we even benefit from today. But what goes on in every age is how we define ourselves as human beings, how we hold ourselves accountable, how we make decisions that will advance human progress and will not turn the clock back.

When I think of Arthur Liman, I think about how we might use the law and how the law should be used to bring about such positive changes for us all. I know that there are many, many challenges that globalization and modernization present to us all. And I have traveled enough around the world to know how difficult it is for many people in many parts of the world to make it through this transition.

There are many questions we have to ask ourselves. Will the global economy lead to growth and stability for nations? Will it lift up lives and opportunities for all citizens? Will it give people the skills they need to navigate through this new world? Or will it inspire a race to the bottom? Will we deplete our national resources? Will we see unique cultures uprooted? Will we see spirituality replace our excessive materialism engineered by our media consumer culture? How will we humanize ourselves and one another? Learn from each other? How will we continue to stand against the dangers of racism and nativism and xenophobia -- all of those terrible plagues that have afflicted humanity for a time.

There are not many positive visions of the future. If you think about popular culture, we are beset with apocalyptic visions -- images of worlds after nuclear explosions with no one left, or perhaps domes covering cities where citizens cannot breathe the air anymore. We don't have in

the popular imagination the kind of world that Arthur Liman worked so hard to create. So we have to do it for ourselves.

When I think of the challenges we face, and how to use the law to meet them, one obvious challenge is how to use the law to create more balance within the global economy, to create the structures and financial architecture to replace those that were created at Bretton Woods. We need very smart people who know about finance and business and the law to help create this architecture. That is a very great challenge. And that is one challenge I would have loved to see Arthur Liman fulfill.

We will also have to restructure a lot of how we view the world around us. And that begins with making sure that we believe some basic truths about how people live together in the future. Will we do all that we can to make it possible for our society to live in balance? I have a very simple metaphor about society -- I think of it as a seat of a stool held up by three legs: one is the government, one is the economy and one is civil society. Those legs have to be of equal length and equal strength in order for that stool to remain steady and stable. If one leg gets too long or powerful, or another gets too short and weak, instability sets in.

The beauty of the American experience is how stable we have been despite the bumps and starts and problems and difficulties. No one understood the need for that balance more than Arthur Liman. He got into law in part because of his reaction to McCarthyism. He writes in his book that when he saw Joe McCarthy and Ray Cohn doing what they were doing, he wanted to be a lawyer. He wanted to be a lawyer because intuitively he wanted to create that balance. He wanted to make sure that no one would be permitted to abuse power -- that no imbalance was permitted to undo this great American experiment.

I was told the other day that in 1954 when he graduated from Harvard, he wrote his senior thesis on the constitutional limits of congressional investigation. Imagine that at this time. But he knew that we needed a strong, effective government that was not oppressive and did not abuse power, that responded to citizens -- that was the essence of the democratic government.

He understood how the economy worked. He advised some of the great corporations and leading businessmen of our time. He understood how important it was in a dynamic economy to be moving forward making the right decisions. He also knew that there had to be a moral ethic, even in financial matters. He was unafraid to counsel his clients toward that end as well.

And with respect to balancing the economy, he knew that there had to be a balance of power in the economy just as there is in the government. And some of his most famous pieces were an attempt to make sure that balance was there -- that free enterprise and entrepreneurialism was permitted to go forward and not be stifled. So with respect to two legs of that stool, the government and the economy, he played a major role in reminding us and in acting in his public service capacities, in a way that maintained that balance for all of us.

But the third leg of the stool, civil society, is something that he also paid attention to. He knew that in the space between government and economy is all that stuff that makes life worth living -

- your family, your religious beliefs, your friends and associations, arts and culture and learning. He was devoted to doing all that he could as a citizen to make sure that our civil society, those habits of the heart that DeToqueville wrote about so many years ago, were vibrant in today's world.

So if you look at Arthur Liman's life, you can see the kind of balance that I think we need more of in society today. We need more people who understand appropriately the role of government, the economy and the role of civil society. We need to nurture and support a stable society and certainly a strong democracy for the future.

So both on the international front and here at home, Arthur's advice would be welcomed, his expertise needed and the results, I am sure, of his labors, we would all be proud to see. There were some very specific issues which engaged Arthur's attention over the years that I think we would all need to be reminded of. They were not strictly legal issues. They were not just matters of constitutional law. They really came from the heart. They came from the attitude of trying to make it possible for all people to feel that they had a stake in society and a piece of the American Dream could go forward.

He believed that all people should be given the kind of education and health care and other tools of opportunity that would allow them to be full, active participants. If you look at his career and you look at the cases he took on and the causes he immersed himself in, they were often on the side of the most vulnerable. I don't suppose that many people would have thought that he would be chief counsel for those investigating a prison riot so many years ago would have been a smart move for an upwardly mobile, ambitious young lawyer to pursue. But Arthur was not deterred.

He spent a lot of time at Attica. He even spent one Christmas Eve meeting with the prisoners there. And he later said, "Looking into their eyes, I don't know how many of you have ever been to a prison, but looking into the eyes of someone who is incarcerated is not easy. They often don't even look up. And if they do what you see is often hard to accept." But there was Arthur, eating with them, talking with them, and looking into their eyes.

He understood that we have to knock down barriers of law and tradition and ignorance wherever they were found. He spoke out against them. One of my favorite stories about the kind of man Arthur was comes out of one of his most famous cases, the continental rape case.

He tried that case and had been magnificent with that case. And there was a young woman associate, who is now a judge, and after trying that case, he had her argue the appeal. Now that was many years ago when many law firms were not even hiring women, let alone giving a woman that kind of spotlight. I don't think that Arthur had been prodded to do that at all. It came from a deep well of human understanding. He needed to do that so he could knock down barriers for everyone. So whether it was a very smart woman lawyer or a prisoner in Attica, he reminded us that we have to do more in our society today and around the world to lift people up -- to reach out to those who are marginalized.

If Arthur were here he would be, I believe, reminding us that in today's America, we cannot afford to be isolated on these issues, but must use it as an opportunity for social justice. Because we are doing well in this interdependent world, we cannot be an island. My husband often says that we cannot be an island of prosperity. Arthur might have said we cannot be an island of indifference.

We all have an obligation to think about what we can do to knock down barriers and obstacles to human development and aspirations. I also think Arthur would want us to do more to educate people about their rights and responsibilities as citizens -- to encourage them to be the citizens we need in today's world. And he would be on the front lines here and abroad talking about the role of law and due process to civil liberties and human rights.

He would know that any society, even as rich and successful as ours, is in danger of losing those rights if we are not vigilant. Just as he was inspired by the McCarthy hearings to become a lawyer, he would be reminding all of us how important the rule of law and lawyers are today.

I sometimes feel like a persecuted minority as a lawyer. I sometimes read in the press things that are written about lawyers and how lawyers are accused of legalisms and hair-splitting and the like. Well of course, as in any profession, there are lawyers that have abused the position they have been given. But many lawyers in this city and throughout this country are laboring within the law to do what they can to help their clients and to change some of the circumstances that effects larger groups of individuals.

Arthur understood how important legal aid was for that purpose. Again, going to the concept of balance. He knew that in a legal system where someone can be deprived of access to the courthouse, no one's rights are safe. He worked harder than any lawyer I know defending legal services against political attacks and short-sighted misunderstandings of the role of legal aid and what it means. If he were here he would ask all of us to do the same. No matter how successful we may be individually, we need to protect the larger system.

I think Arthur would also challenge us to make sure that we appreciate diversity as a source of strength. Arthur spent a lot of time working in different capacities, working with many different kinds of people. He knew that human beings come in all sizes and shapes and with all sorts of backgrounds and experiences. Many of his friends commented on what a great psychologist Arthur was.

And what he tried to do is to encourage all of us, by his example, to treat one another with respect and dignity. There are countless stories of no matter what the stresses were or the pressures happened to be, that Arthur was never too busy to be kind to the people that worked around him, to share a joke, to tell a story. He never treated anyone as disposable, no matter what their station in life. Instead, he constantly reminded himself of his own gratitude for the blessings he had.

Today, in our country, where we have so many legal protections against violence and discrimination, we still live with it. There is still racism, there is still anti-Semitism. We were

tragically reminded of the attitudes of bigotry when the young Matthew Shepard was so brutally murdered in Wyoming. We see in this country and around the world how old hatreds die hard, and each of us must stand up against those hatreds. We must take them on wherever we find them.

There was a wonderful quote from Arthur's book that came out of his experience at Attica. He said, "For me personally, the Attica investigation was searing, unacceptable and unforgivable. I have encountered anti-Semitism in my time, and I have read about racism. But Attica made me feel in my gut that racism was tearing at the soul of America. I was never the same after Attica. I returned to Paul Weiss and private practice, and the call to community and public service has had, ever since, a different urgency."

Now the great majority of us will not be part of a committee investigating a prison outbreak. We won't have the opportunity, as Arthur did, to serve on a commission to make appointments for David Dinkins and make conclusions of his own about the lingering effects of discrimination, exclusion and affirmative action as a remedy.

But each of us has some personal experience that should be a constant reminder to us as Arthur's Attica experience was to him. Any one of us could be the target of exclusion, discrimination, bigotry and prejudice. And because we can, we can empathize with those who are. We must tear down not only any obstacles and barriers we can see, but change those attitudes in our hearts and those of others to try eventually to rid ourselves and our communities of them.

I have seen the effects of standing up against hatred and discrimination in many places where there are victims of such long-standing feelings. And we are hoping for progress in so many parts of the world, whether it is Northern Ireland, the Balkans, the Middle East, or parts of Africa. We must somehow all work together to overcome those lingering, strongly felt, deeply based experiences that prevent us from starting anew and treating each other as we could build a better world.

We know that we live in a global neighborhood, but we are not really working as hard as we can to make it a neighborhood. We have to be willing to care about what happens to our neighbors nearby and far away. One of the hopes I have as we reach toward this new century and millennium is that while honoring the past we can imagine a different future. We can imagine a future in which here at home our children will have the education and the health care they need. We hope that hard-working people will have access to credit and business opportunities -- all of the tools that will enable them to participate to the fullest of their God-given potential and the blessings and the prosperity that we enjoy today.

We hope for a future in which the challenges to the rule of law and the fundamental fairness of due process can be dealt with. And where any kind of abuse of power exists, malice can be brought on it. And we hope in this land of diversity that diversity can be a source of strength, not what leads to division among us.

I said that we don't have any images of popular culture that really showed a very hopeful future,

but if you remember the movie "Independence Day," where we were confronted by alien attack after Washington D.C. was blown up -- I do have a bone to pick with a lot of my friends in the entertainment industry -- that is that there are too many movies where they are blowing up the White House and the First Lady is always dying. But as you might remember in the conclusion of that movie, in order to fend off this alien attack, people of all races came together. In the theater where I saw the movie, there were great cheers. Because if we are to fulfill our human potential in the beginning of this new century, we have to more fully realize what it is to be human. It is up to each of us.

I am reminded of a story that Barbara London told at Arthur's memorial service and that his son Doug reminded me of before we came out here. Arthur, Douglas, and a certain Congressman whom I hope will be a Senator soon, Chuck Schumer, were in a small boat when they encountered some large, breaking waves. And in typical Arthur and Douglas Liman fashion, they tried to go through them. The waves were temporarily turning their boat into a submarine, throwing their belongings overboard and costing hundreds of dollars to repair. But they got through it just the same.

We heard that story and Martin is reported to have said to Arthur, "What a horrible story, you must have been frightened out of your wits." And Arthur looked up smiling and said, "It was great. It was great." I hope all of us think of that story of risk-taking, of adventure, of going where you don't think you can go, every time challenges seem insurmountable and forces are raging against us that seem beyond our control.

All of us should imagine Arthur asking us to take responsibility to get through that challenge with courage and compassion, conviction and idealism. And remember how he would ask us to look out for the most vulnerable among us who are too often tossed aside or overboard. Instead of sitting paralyzed by fear he would ask us to roll up our sleeves and find a way together to get to the other side safely. And how he might even want us to look back on all we have done and simply say, "It was great." That is a lasting tribute to Arthur Liman that each of us can carry into the future.

Thank you very much.