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## Class of 1984 Commencement

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*U.S. Court of Appeals*

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UNIVERSITY OF GEORGIA - GRADUATION

May 12, 1984

*Handwritten notes:*  
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It is a great day when you graduates move from the gray drudgery of law school out into the light of life as a lawyer. On this splendid day my word to you is simple and direct -- stand tall in your profession. Some of you are saying, "that's pretty simplistic, and a little corny too." I think not. You can be very proud of the system of law of which you have become a part. You can be proud of yourself as a lawyer, one who works in that system.

You and I hear the complaints that there is too much law, that law intrudes too deeply into our lives and regulates us excessively. We have evolved from our beginning as a thinly populated agricultural country into the most highly developed and complex industrial society the world has yet seen. Our population is concentrated in cities and dependent upon large complexes of public and private delivery systems to bring us food, water, light and heat and the means of mobility. Our vegetables come not from the garden but from Florida or far-away California or Mexico. Our medicine is a mysterious miracle made by some unseen corporate giant. The threat to our security is an

atomic warhead winging in from thousands of miles away. In 1789 when our county formally began interstate commerce was a man riding a mule across the state line. Today it is jet aircraft traveling 650 miles per hour, five miles up, and electrons moving from transmitter to receiver at speeds too fast to mention.

In this urbanized, complex society we collide with each other, literally and figuratively, in an infinite number of ways. It takes vast and powerful stabilizing systems to keep our society from flying apart from its centrifugal forces or disintegrating from the collisions within, while at the same time giving each of us the maximum possible self-assertion and tolerable privacy. The law is the mechanism by which we impose upon ourselves these stabilizing systems that guide us and protect us. It does not work perfectly, but it works remarkably well. The law is much more than courtrooms, but courtrooms tell us something. I never walk into a courtroom -- my own, or that of a justice of the peace, or the Supreme Court in Washington D.C. --without having butterflies in my stomach. There the law is at work, viable and strong. All of us can be proud to be part of it.

What of you as individuals working with the system of law? You hear it said that there are too many of us and

that our profession fails in innumerable ways. Of course our profession does not work perfectly. The miracle is that we continue to re-examine ourselves and lay bare our shortcomings and improve and adjust our profession to make it better.

For many years, while I was still in private practice, a great lady helped our family with many things, including care of our children. One night as I drove her home, with the conversation tumbling out as it always did, I asked: "Except for friends who call me by my first name people call me 'Mr. Godbold.' Why do you call me 'Lawyer Godbold?'" The response was immediate: "Because it is a title of honor." This gave me goose pimples at the time. It gives me goose pimples now to tell about it.

You walk today in the shoes of the great. Lawyers were central to our country's achieving independence, to the Declaration of Independence, the Constitution, and the Bill of Rights. And our profession, like no other, has contributed to the political leadership of our country. The roll call is a distinguished one -- Thomas Jefferson, John Adams, Patrick Henry, James Madison, James Monroe, Daniel Webster, Henry Clay, Abraham Lincoln, Franklin Roosevelt. These are but a few. We need not look to only the national scene. In every state, city and town, lawyers

are looked to for leadership in government, civic and community affairs. Earlier today you have heard reference to the leadership supplied by this law school to the state of Georgia

We do not have to look far to see persons on the bench of whom we can be very proud: Richard T. Rives, and Frank Johnson of Alabama, Elbert Tuttle of Georgia, to name just a few close at hand. At a time of great difficulty in the history of our country they stood firm in recognizing the rights of all our people. They refused to duck when it would have been easy. They upheld the law and enforced the constitution. The best description I know of these judges is in the words of Maxwell Anderson's play, "Valley Forge," "There are some men who lift the level of the age in which they live, so that all men stand on higher ground."

Let me take you to another time and place in American history. The time was the 1770's, just before the American Revolution. The son of a small farmer had left his village home to practice law in Boston and had become moderately successful. In a quiet, solid way he identified himself with a small band of men who made Boston the center of the American Independence movement.

British troops were quartered in Boston. Eight British soldiers under the command of Captain Preston were guarding the steps of the Boston Customs House. One of the soldiers was said to have struck a boy who taunted him.

Feelings ran high. A crowd of about 100 people gathered including 15 to 20 sailors with clubs. Chunks of wood, rocks, snowballs and oyster shells were thrown at the British soldiers. One soldier was clubbed to the ground. He attempted to get up and was clubbed down again. The other soldiers panicked and fired into the crowd. This was what we call the Boston Massacre.

The next day there was an urgent message to the young lawyer. Captain Preston was to be tried for murder and could get no lawyer to defend him. It was possible that Preston would be lynched before trial. The Boston newspapers urged violence. Tension was so high that the two British regiments stationed in the town were moved out. At the funeral for the victims of the shooting the hearses were guarded by civilians carrying rifles with fixed bayonets, and they made their way through the streets between mourners six deep.

The lawyer did not seek the task of defending Preston. He did not want the task. But he did not hesitate. His reply was, "If Captain Preston thinks he cannot have a fair trial without my help, he shall have a fair trial with my help."

The trial took place. The lawyer had secured the assistance of two other attorneys. A jury of Massachusetts men acquitted Preston.

What were the consequences? Did the lawyer suffer the contempt of mankind? There were always a few who never understood that to him the call of duty as a lawyer was stronger than the lure of the approval of the community and of his personal associates. But he rose above those who did not understand. His name was John Adams. He became the first vice president of the United States, the second president, and his son was the sixth president.

We need not look at only the 1770's. Today there are unsung heroes of the bar, lawyers -- many of them young and without status -- who have brought cases that struck social, political and economic chains from American citizens. Often in angry communities, before hostile judges, scrutinized by hostile media and facing embittered adversaries at the bar, they dared to challenge disgraceful schools, exclusion of citizens from the ballot box and the jury box, and the trial of defendants who had no peers on the jury venire. They dared to challenge mental health facilities that, if you walked through them, would reduce the strongest among you to tears. They dared to expose prisons where human beings lived in conditions that a farmer would not allow for his cattle. Lawyers forced us to face up to ourselves and to make changes when no other

institutions in our society were willing to do so. Heroes come in all shapes and sizes.

All of us can be proud of the service of lawyers as appointed counsel for indigents. Most of them are younger lawyers. The fees are small, sometimes there are none. Often the lawyer, or his firm, must pay expenses out of their own pockets. Yet appointed lawyers come before my court and make presentations that could be no better if they were paid thousands of dollars. At the conclusion of oral argument, I always thank appointed counsel. Sometimes it is hard to get the words out, because I am so proud of my profession that I have a lump in my throat.

Being a lawyer can take guts. Make no mistake about it. Try telling your million dollar client that what he badly wants to do may be illegal and certainly is immoral. Try advising your client in a hotly contested divorce case that the children will be better off with the other spouse. Try facing an overbearing judge without surrendering an inch that should not be surrendered and without losing your cool. Try accepting an appointment to represent a criminal defendant accused of a horrible crime in an inflamed community that already considers him guilty. And when you are appointed try deciding whether you will raise the issue that women, blacks and persons from the



lower economic level of the community were systematically excluded from serving on the grand jury that indicted your client and the petit jury that convicted him. Try persuading your law firm to let you accept such an appointment and even to pay the expenses. In each of these instances you will be tested in the fire. In some of them you will soon learn who your real friends are.

I have said that you lawyers stand in the shoes of the great. Isn't it wonderful that after 200 years in the life of our country so many of you can stand in these figurative shoes while wearing a skirt and highheels.

Each of you, stand tall this day and from now on. You are a lawyer, and that is a title of honor.