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Remarks for Wheaton College Commencement
May 17, 1997

(Advice, Counsel, and Cheers to the Class of 1997)

I am glad to be part of this celebration of the Wheaton College class of 1997. May is a fully-packed month at the Court, with opinion-circulation deadlines fast approaching. Though I am spending most days and nights close to my desk this season, Wheaton's invitation was impossible to refuse because of the caring and affection for this College of a dear friend and colleague, a 1963 Wheaton graduate, Georgetown University Law Center Professor Patricia King.

I am particularly pleased to share this event with my life's partner, Martin D. Ginsburg. Marty has always been a "Yes" person,

a man who has the confidence to take on successfully whatever challenge comes his way: whether a complex corporate merger or acquisition, a severe illness, a wife long ago banished from the kitchen by her food-loving children.

Writer Norman Mailer once said: "A woman could be bending over a sink full of dishes, and I would not lift a finger to help, unless I thought her work was as important as mine." Marty has always thought my work was important, sometimes even more important than his. And he knows, too, how healthy it is for children to have two parents, sharing the labor as well as the joy of childrearing. Raising children successfully, the parents in this audience know, takes intelligence, very hard work, boundless love, and more than a little bit

of luck.

I will confess that Marty and I have survived nearly 43 years in each other's constant company because of advice given to me by his mother on our wedding day. This was her prescription for a happy, enduring marriage: "It pays," she said, "it pays sometimes to be a little deaf."

I have followed that advice — with only occasional lapses — not only at home, but in the places I have worked, even in relating to my current colleagues at the Supreme Court. It is important to be a good listener if you are to work with others effectively, but it also pays, sometimes, to be a little deaf — for example, when a colleague or commentator writes that an opinion on which you labored endless

hours, worrying over every word, is "simply irresponsible," "sloppy," "strange," or "profoundly misguided." (I am not making those up.)

My mother had a similar idea in mind when she admonished me, constantly once I reached my teens: "Be a lady!" To her, the term "great lady" was a most honorable one. It meant hold fast to your convictions and self-respect, be a good teacher, but don't snap back in anger. Anger, resentment, indulgence in recriminations waste time and sap energy. In the same vein, one of my D.C. Circuit colleagues, the Honorable Edward A. Tamm, counseled me when I was new on that court: "Do the very best job you can in each case, but when the job is done, don't look back, don't worry over finished work, go on to the next challenge and give it your all."

Graduation ceremonies are joyous occasions, and graduation speakers are well-advised to talk short. But I ask your patience, not too many minutes more, so that I may convey to you my idea of what it means to be, as I am, a feminist.

I had the good fortune to be alive and a lawyer in the late 1960s when, for the first time in history, it became possible to urge before courts, successfully, that society would benefit enormously if women were regarded as persons equal in stature to men. At my own college graduation, in 1954, it was widely thought that women were not suited for many of life's occupations — lawyering and bartending, military service, service on juries, to take just a few of many examples. So much has changed for the good since then. But there are still too

many people who regard feminism as a threat, people who are discomforted by the very word.

A case in point. On June 26, 1996, with only one dissenting opinion, the Supreme Court held that, under the Constitution's equal protection principle, the Commonwealth of Virginia could not exclude from a public military college, the Virginia Military Institute (VMI), women who wished to attend and could meet the entrance requirements. I wrote the Court's opinion, which some greeted with applause, and others deplored. Among the deplorers, Phyllis Schlafly wrote in an open letter from the Eagle Forum:

> The VMI decision was wholly predictable when Clinton appointed Ruth Bader Ginsburg to the Court. Her activist

determination to write her radical feminist goals into the Constitution was all laid out in her published writings, but no Senator questioned her about them. Every Senator who voted for her confirmation shares in the shame of this decision.

Also sharing in the shame, or in my judgment, the good sense and legal fidelity of the decision, were six of my colleagues.

I have been heartened by the ever growing appreciation of what feminism really means. It means freeing people, men as well as women, to be you and me, allowing people to pursue the talents and qualities they have without artificial restraints. The idea of feminism I hold high was put in this fitting way by a D.C.-area suffragist, Lydia Pearsall, whose life spanned more than a century: "I never wanted to

become a man," she said, "just his equal, and in the process, it seemed to me we would both become a little better."

Last year, my grand colleague, Sandra Day O'Connor, first and for twelve years sole woman on the Supreme Court, made a surprise appearance one night in the D.C. Shakespeare Theatre's production of *Henry V*. She played the role of Isabell, Queen of France, and spoke the famous line: "Happily a woman's voice may do some good." Indeed it may.

Just one illustration, called to my attention by Justice O'Connor. In 1993, Helen Suzman published the story of her life and times in a book called *In No Uncertain Terms*. For many years, Suzman was the sole voice against apartheid in South Africa's parliament, and the lone

woman in that legislative chamber. She recounts this scolding from another member of parliament:

> **The Honorable Member . . . must stop chattering. She is in the habit of chattering continually. If my wife chattered like that Honorable Member, I would know what to do with her. There is nothing that works on my nerves more than a woman who continually interrupts me. She is like water dripping on a tin roof.**

That was in 1965. The Honorable Member was "chattering" about the need to end apartheid. The scolding came from the mouth of former President of South Africa, P.W. Botha, who later learned that voices for democracy can do more than grate on the nerves of oppressors.

Two weeks ago, at the celebration of the reopening of the renovated Library of Congress Jefferson Building, a college student came up to my table and asked if I could help with an assignment. She had one question and hoped to compose a paper by asking diverse people to respond. What, she asked, did I think was the largest problem for the next century. My mind raced past privacy concerns in the electronic age, assisted suicide, deadly weapons, outer space. I thought of Helen Suzman's "chattering," of Thurgood Marshall's praise of the evolution of the concept, "We, the People," to include once excluded, ignored, or undervalued people, then of our nation's motto: *E Pluribus Unum*, of many, one. The challenge is to make and keep our communities places where we can tolerate, even celebrate,

our differences, while pulling together for the common good. "Of many, one" is the main challenge, I believe, and my hope for our country and world.

Almost everyday, because of the good job in which fortune, the President, and Congress have placed me, I receive request letters from people across the country. Some want my autograph (and thank you, not with an autopen), others want something I have worn (old shoes, most often). Still others seek words of advice or encouragement. My current answer:

In the open society that is the American ideal, no doors should be closed to people willing to spend the hours of effort needed to make dreams come true. So hold fast to your dreams,

and work hard to make them a reality. And as you pursue your paths in life, leave tracks. Just as others have been way pavers for your aspirations and achievements, so you should aid those who will follow in your way. Think of your parents and teachers, of their efforts and hopes for you, then of your children and even grandchildren, of the world they will inhabit. Do your part to help move society to the place you would like it to be for the health and well-being of generations following your own.

On the Jewish New Year, Rosh Hashana, this prayer is recited:

Birth is a beginning

And death a destination.

And life is a journey:

From ignorance to knowing;

From foolishness to discretion.

And then, perhaps, to

***wisdom*.**

Your parents and teachers have helped to launch you securely on life's journey. Hearty congratulations on the degree you have achieved. May you continue on course, learning and knowing ever more. And may you gain satisfaction, pleasure, and wisdom as you proceed along the way.