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FORUM

A DEMON-CROSSED GENERATION THAT SAID YES

Rennard Strickland*

This essay is adapted from the graduation speech given by Dr. Strickland at the University of Tulsa College of Law on December 22, 1974 while he was acting dean of the College of Law.

I realize I was not your first choice as a graduation speaker. You wanted Martin Zions from the Chicago Outline Series or William A. Rutter from Gilberts but they were speaking at Harvard and Yale. So you got me. Always a bridesmaid but never a dean, I mean bride. And, in a way, it seems altogether fitting and proper that I should address your graduation in a half-completed auditorium. In fact I'm convinced the fates, or probably, the furies must have conspired to produce an irony of this magnitude. Standing on this empty stage I feel a little like the stage-manager in Thornton Wilder's *Our Town* or possibly the devil-figure in Archibald MacLeish's *J.B.* forecasting all of the cataclysmic events likely to befall you—Our heroes! And, in a way, your law school experience (and your professional law career, I suspect) do have a good bit in common with the book of *JOB*.

The American Indians believe, you knew I'd slip that in somehow, that there are certain people or groups of "stricken" people who are what the rest of society might call "star-crossed" or, in your case, more likely, demon-crossed. Generally, if possible, these people are killed when they are born. I'm not exactly saying that we would all have been better off if infanticide had been practiced on your class but, as the Indians wisely know, it would be easier on all concerned. For such groups have a kind of *driven madness*. As most of the parents,

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spouses, and friends in the audience can testify, for these groups, the exasperation level is high. Hopefully, the reward level may be even higher. This driven madness produces, according to the Indian legends, warriors and leaders like Tecumseh, Sequoyah, Chief Joseph, and Geronimo.

On a more scholarly bent, Jose Ortega y Gasset, the great Spanish philosopher, described these groups in his theory of the "concept of generations" as that rarely occurring but significantly vital point when respect for traditions and spontaneity of creation are crossed. These are generations that produce great turmoil but may ultimately renew and restore basic and vital historical institutions and values such as law.

This is beginning to sound like I am preparing to con you with the standard graduation speech: You know, "The future is ahead of you: The past is behind you; the world is in your hands; and ain't it grand." I'm afraid I know you too well to say that. I respect you too much to think you would believe it anyway.

Twenty-seven months ago, we both heard Joseph Morris with almost evangelical fervor proclaim you "the most qualified class in the history of the law school." We both knew then, and know now, that you were, in fact, a rag-tagged, thrice rejected, collection of overqualified underachievers, underqualified overachievers, late-applying returning veterans; and assorted dedicated and highly qualified Tulsans, Oklahomans, and Southwesterns who had wandered in to face a range of imported yankees who thought Tulsa the end of the world and a special place reserved for those who had come to the end of the line.

And, I think, in some respects we may have lived down to your expectations and you may have lived up to ours. Again, in a very real sense, you have been our pioneers—the last class admitted in the old building; in fact, now the last class to remember 512 South Cincinnati. You were admitted when Ed Wilson was dean, arrived at law school with Joe Morris, spent one-third of your career acting under Rennard Strickland as acting dean; and are graduated with yet the fourth dean in office. You were shifted from trimester to minimester to semester, and half suspected you'd come back this fall with a quarter-system in operation and eighteen new hours of "required courses" deliberately added to retain you another semester.

Our problems with your class and your problems with our law school have been so unique that we have spent more time in a court of equity than in a court of law. If you make as many demands on the profession as you have on us there may still be hope.

And yet, for all of his fervor, Joe Morris turned out to be right. You have been, perhaps, the best class in the history of the law school to date. I think this is so for two reasons. First, you respected tradition and built upon the opportunities which those who had gone before had given you and, second, you respected change but neither blindly resisted nor wildly advocated it. Your strength then was an understanding and appreciation of the duality of continuity and change. If, in fact, you can master these forces, can balance them, you will be able to face a career in the legal profession as well as you faced the preparation for that career in law school. We can even hope that you can help us return lawyers to solvers rather than creators of problems.

Although, I must admit that your entry into the profession has every indication of being as inauspicious and as undistinguished as your entry into law school. Coming into law school you hit the crest of the admissions crisis including increased student population, returning veterans, revived interest in the law, and probably half-a-hundred other factors. Going into the profession you face job shortages, a potential surplus of lawyers, uncertain economic outlook, low esteem for the profession. Today, a public opinion survey showed less than 40% of the population *trusts* lawyers. Of 20 occupations, lawyers rank 18th in public confidence.

Surely you would qualify for our American Indian demon-crossed generation. But your success in law school tends to prove the second part of the Indian legend that those demon-crossed men and women who survive possess a will of steel and tenacity which cannot be destroyed. If this is so, you have in law a challenge indeed worthy of your creation!

In the law school you have been an important transition class. Earlier I had said you were pioneers but on Frederick Jackson Turner's various frontiers you are not the mountain men, not even the mining frontier. These were the men and women who attended law school in the basement of Central High School and upstairs over an old office building. You're really the "settler frontier." You were able, for example, to expand and improve the law journal only because nine earlier editors and staffs had cleared the timber and driven away the wild animals. You graduate from a new building through no effort of your own. You are the largest class in our history; you are the first class of fifty percent non-Oklahomans; the first class of real selective admission. "Not a great year but a good year."

I have always wanted to write a novel entitled "The Man Who Said Yes." The theme would deal with affirmation, with the sort of positive mind Camus described. "Such a mind stands forth in the center of the world, accepting fate with happiness and confidence, with the belief that the only things to be condemned are those which exist in isolation, and that, seen as a whole, all problems resolve themselves in self-affirmation." Yours was a class that said *Yes*, that might have started with a *No*, but ended with a definite, resounding *Yes*! You made an affirmation of what Richard M. Weaver called "the minimum consensus of shared values necessary for the survival of civilization." Here is the sermon and my moral: Law is one of these values, belief in law as an institution and a way of life. Your challenge in law is to merge the traditional values with our changing needs. The tragedy of Richard Nixon was that he had forgotten the historical lesson of law, the lesson of Magna Carta who, according to Sir Edward Coke, was "such a fellow he would have no master." He had forgotten that no man can be above the law. Surely this is something that no class assigned to read A. E. Dick Howard's *The Road From Runnymede* could ever forget.

I believe there is hope for restoration of faith in the law. If there is not, I believe there is little hope for civilization.

In conclusion: In the last twenty-seven months I think we have grown considerably, both of us—the law school and your class. If you were not a great class, likewise we were not a great law school. And yet, today, I think each of you stand on the verge of potential greatness and, with no modesty, I think the law school does as well. In a sense, you were the children of our middle years—not the first-born for whom there is always a special place; nor the last playboy child of the affluent years but the child you're never sure whether to kiss or kick; the child who worked side by side with the parent and who knows what it cost to succeed because his labor was a significant part of the ultimate success; the child who helped bring together the best of the old and the most exciting of the new.

I wish you well, knowing you have the resilience of purpose and the strength of character of a good ole' "unsinkable Molly Brown," of a star-crossed, demon-dominated generation that says "Yes"; a generation of continuity and change; a generation *hopefully* capable of restoration and renewal of the basic values of a society which has law at the core.

Thank you.