

Chief Justice Corrigan: “A Duty to Argue”

The following speech was given by Chief Justice Maura D. Corrigan at the Board of Commissioners meeting the morning of Friday, September 14, 2001, during the State Bar of Michigan's shortened Annual Meeting.

I want to begin with a prayer because President Bush has declared today a day of prayer and mourning for our nation. At noontime, I hope that you will be, as I will be, in church, or wherever it is that you worship, or however it is that you reach toward a higher power in your life.

This morning, I want to share one of my favorite prayers with you. I am a believer and I believe Mother Teresa is at the right hand of God, and so I have been thinking a lot about Mother Teresa this week. I found this prayer on a yellow Post-it note in my mother's kitchen. Mom is always trying to save my spiritual health and she does it with her yellow Post-it notes, thank God for them. This is a prayer that Mother Teresa allegedly kept at her bedside. I think her prayer tells us about appropriate defiance, resolve, and right relations in this terrible moment in history. Here it is:

People are often unreasonable, illogical, and self-centered. Forgive them anyway.

If you are kind, people may accuse you of selfish ulterior motives. Be kind anyway.

If you are successful, you will find some false friends and true enemies. Succeed anyway.

What you spend years building, someone could destroy overnight. Build anyway.

If you find serenity and happiness, they may be jealous. Be happy anyway.

The good you do today, people will often forget tomorrow. Do good anyway.

Give the world the best you have and it may never be enough. Give the world your best anyway.

You see, in the final analysis it's between you and God. It was never between you and them anyway.

You had asked me to speak at lunchtime in place of Barry Scheck, founder of the Innocence Project. Frankly, I don't know very much about the Innocence Project—but I think this week we have a brand new innocence project, new in scope, so far beyond the understanding of anything that any of us have ever confronted before in our lives. It is the murder of thousands of innocent Americans, and the attempted murder of a way of life. What is at stake is the innocence of a free people and the preservation of their way of life—the preservation of this form of government that still stands, despite what has happened to us this week, as a beacon of hope to the world.

Tuesday was a transformative event in the life of every American and certainly in my life, because in my sense of myself, it stripped away my fear—fear of criticism. Tuesday also reminded me that I should let go and let God. It made me more grateful and proud than ever to be a lawyer—a member of a profession that has a core of beliefs about life, about how we relate to each other, about human reason.

Perhaps you remember from your school days a poem by William Butler Yeats entitled “The Second Coming.” In that poem, Yeats envisioned a time when the center of civilization falls apart and “mere anarchy is loosed” upon the world. On Tuesday, mere anarchy was at work in the United States of America. Yeats was right to call it mere anarchy because it is empty at its core. While anarchy works through human hands, it has no mind and no heart. It does not reason. It has only one goal—to sweep away in a red tide of violence all opposition. There is no arguing with mere anarchy. How lucky it is that we lawyers are able to argue in this country among ourselves. How fortunate I am that you are free to call me a political hack if you choose. Perhaps that sounds like a very strange statement; aren't we supposed to, after all, avoid

arguments? But being able to argue means that a conversation is taking place—and that a conversation takes place means that people care about each other and understand the issue at hand. People who do not care, do not argue.

So I say this again to you, how privileged we are that we are able to argue. The murderers of Tuesday morning would deny us that right—they would deny everyone else in the United States of America that privilege. To them, *their* anarchy, *their* way, is the only way. There is no argument in their world, because argument is at the center of our democracy's sometimes frantic heart. Out of the controlled conflict that is argument comes ordered government and peace and freedom.

The First Amendment leads the Bill of Rights for a reason. Without freedom of speech, there can be no argument. Without argument we have dictatorship, not democracy. And without argument, we would have no law. This is the reason I think why our justice system is adversarial, why it's based on a clash of opposing ideas and viewpoints. We believe, based on centuries of experience, that out of clash and conflict comes what is true. Legal arguments are not only about facts. While attorneys talk about whether the light was green or red, or contend about whether the oral contract was for five thousand dollars or fifty thousand dollars, the fight always goes beyond facts and beyond the case, because attorneys argue over what law means.

All of you in this room—all you attorneys, all you sworn members of the State Bar Board of Commissioners, all my judicial colleagues—each one of us is called to zealous advocacy, to test, to contradict, to challenge each other. In so doing, we force each other to really think about law and meaning. Argument throws a clear, hard light upon the law, so we think that argument is not only the way to factual truth, but also the way to the best interpretation of the law. This is as

true among judges as it is among lawyers. I am proud that I am a member of a court that argues, that we are passionate and committed, and believers in our system of government. Our individual visions are different; that is true. What is also true is that I will defend to the death your right to call me what you choose because of what I believe.

I thank God for the Justices of our Michigan Supreme Court, for every member of this organization, and for contentiousness. I hope that we can preserve our contentiousness, because every member of the Supreme Court agrees that we owe it to the law and the people of Michigan to argue. So we push and contend and challenge each other, and long may we continue to do that. I am pleased, proud and honored to be among you, and I consider it my high privilege and my high duty to argue.

All of us also have another, broader responsibility as well, however: We are caretakers. It is our duty to protect the process of law—not only the people committed to our care, but the process itself, this innocent and this so fully human process that we are privileged to have as Americans.

Last year when Tom Ryan was sworn in as State Bar President, he gave a very personal speech to his father about the greatest generation and what it meant to be a member of it. I remember sitting at that lunch thinking how fortunate my contemporaries and I have really been, because we were never challenged in the way our parents' generation was. I was wondering if maybe we could all skate through and retire and not have to face that kind of fight. But today, and as of last Tuesday, I think we understand what our challenge is; and it's a bigger challenge than our parents faced, because it's a faceless enemy. We don't know who it is; we don't know where they are.

Yesterday I called on all the judges in Michigan to remember and be faithful to their oaths of office. Today I call on you, members of the Bar, to do the same. To remember to use every ounce of your wit, your wisdom, and your courage to join me in this endeavor to preserve our democratic way of life.

God Bless America. ♦