

**University of Santa Clara Law School**  
**Samantha Power**  
**Commencement Address**  
**May 20, 2006**

**“WHY CAN’T WE?”**

I’m always a little surprised to be asked to be a commencement speaker. It is clear from your roster of past speakers that you could have lined up an Attorney General or a Cabinet Secretary to help you usher in your post-law school lives. But inexplicably you chose me: a woman who was a decidedly average student in law school, who never took the Bar Exam and who, despite shelling out \$100,000 bucks, still can’t quite decide what she wants to do with her life. I can’t imagine why, after your three years in law school, any of you would identify with these particular qualities...

Now don’t get me wrong. I love occasions like this one. Partly that’s because I’ve always liked to be the center of attention. This is a pretty obnoxious quality, and one that I can’t even blame on the travails of my childhood, as my over-therapized generation has been taught to do. In 1975, when I was just five, my mother – a remarkable lady who had spent the previous three years playing world caliber squash and attending medical school, while supporting me, my kid brother *and* my father -- arrived home and proudly showed me and my dad her home-typed finished medical thesis, which in Ireland you needed in order to get an MD. She had just received the thesis back from the binder and she intended to deliver it to her committee the following morning. She placed the manuscript on the kitchen table, put me to bed, and slept only fitfully, anticipating the sense of satisfaction that would come from delivering a product she had toiled over for so long. When she entered the kitchen the following morning and spotted her blue-bound thesis, however, she was horrified. Although the manuscript had not budged, it now bore a luminous scrawl, which in large orange crayon letters announced: “SAMANTHA POWER DID THIS!!” My mother was remarkably understanding. Indeed, when my book on American

responses to genocide, “A Problem from Hell,” was published in 2002, she referred to it as “my daughter’s *second* book.”

“A Problem from Hell” began as a paper for a class I took in law school. Its publication changed my life. Unfortunately, my aim in writing the book had never been to change *my* life. I had set out, far more humbly, to transform the way the United States conducted its foreign policy around the world. So, when the book started gaining momentum, and people around the country began offering me a platform to discuss American foreign policy, I rode the wave of enthusiasm for “A Problem from Hell” and seized every opportunity I could – in blue and red states alike -- to promote the central idea within it. That idea, incidentally, is that if the shapers of U.S. foreign policy looked out for the *human* consequences of their decisions, the world *and* the United States would be far better off. In 2003 alone, I probably spoke to two hundred classrooms, editorial boards, churches, synagogues, and chambers of commerce.

But one day in 2004, after two years non-stop on the road, I decided that the time had come for me to retire from public speaking. As a garlic-breathed airport security guard gave me a particularly intrusive pat down at Kennedy Airport, several thoughts flashed in my mind at once. First -- and this definitely falls into the category of “more detail than you need” -- I was on the move so much that security guard gropes were all that was passing for intimacy in my life. Second, I was talking so much that I had stopped learning. And third, none of my yammering was making the U.S. government even a tad more willing to act morally abroad. [We had invaded Iraq, which was falling to bits; our soldiers and guards had been revealed to be torturing detainees, and, despite the pattern of abuse, only minor “bad apples” were being punished; and the Sudanese province of Darfur was on fire, literally, and nobody was doing a damn thing about it]. By the time I had retrieved my laptop, my belt, and my shoes from the Xray machine at Kennedy, I had decided it was time to go underground. To read, to learn, and, eventually, to write.

So why am I standing before you today? Well, first, I don’t know about you, but I have found many of the recent criticisms of U.S. foreign policy as unconstructive as U.S.

foreign policy itself. Therefore, I'd feel like a slacker if I stayed buried in the archives, working on another book, when an occasion like this one offered me an opportunity to make some small contribution to an adult conversation about America's role in the world. But second, much more importantly, people actually listen to commencement speeches. It's the weirdest thing – they really do!

In 2002 I gave my first ever commencement address at Swarthmore College. "A Problem from Hell," which had struggled to find a publisher, had just come out. It had won no prizes and at that point it had been read only by my very large Irish Catholic family [accounting for thriving early sales, I might add]. I was so nervous about the speech that the night before I couldn't even cure my butterflies with the age-old Irish remedy of multiple stiff drinks. I don't honestly remember much of what I said, and if I went back and read the speech today, it would make me cringe. But I know I called upon Swarthmore students to become "upstanders" rather than bystanders in their post-college lives. I survived the speech, hightailed it out of town, and haven't been back to that campus since.

In 2004, around the ten year anniversary of the genocide in Rwanda (a genocide in which 800,000 Rwandan Tutsi were exterminated), and a couple of years after my Swarthmore speech, a ragged trio of Swarthmore students showed up at my office in Cambridge. They had come to inform me that they had heard my graduation speech and they intended to apply its lessons with regard to the ongoing genocide in Darfur. If the lesson of the twentieth century was that the American people had abetted U.S. governmental indifference to genocide, a twenty-two year old senior named Mark Hanis told me, he and his friends would show Washington that the American people cared. If the lesson of the twentieth century was that states were quick to *feed* the victims of genocide, by delivering humanitarian aid, but unwilling to actually use force to stop the murders, he and his friends would raise money not for relief but to help pay for protection forces.

I was skeptical. But Stephanie Nyombayire, an 18 year old Swarthmore freshman from Rwanda who had lost more than one hundred members of her family in the genocide, put

it to me simply: “Professor Power, if the *genocidaires* in my country were able to kill a million people in a hundred days in 1994,” she said, “why can’t we students raise a million dollars in a hundred days?” *Why can’t we?*

The students told me that their new, Swarthmore-based Genocide Intervention Fund would raise the money and write a check to the African Union, which had sent peacekeepers to Darfur, but which was seriously ill-equipped. The money would help them buy the flak jackets, helmets, and fuel they needed to move around Darfur and protect civilians.

I looked at the students blankly. As a now-responsible adult, I was afraid to encourage their charge toward windmills, but I was not about to discourage them either. As I drove home from the café where the students had eventually pinned me down, Stephanie’s question stayed with me: “*Why can’t we?*” And then I remembered a commencement address I had heard at Yale the year before I graduated. The political cartoonist Gary Trudeau had spoken, and he had urged students to “*ask the impertinent questions.*” His message had stuck with me. My message had somehow stuck with these Swarthmore kids. Damn, I thought, I’d like to give a few more of these commencement addresses. I hope somebody asks me. Thank you Dean Polden...

\*\*\*

You were admitted to law school in the spring of 2003. Most of you received your acceptance letters as the U.S. began bombing Baghdad. The lower LSAT scorers wait-listed among you got admitted just as President Bush was declaring “Mission Accomplished.” Although 9/11 may have been what jolted many of you into a sense of civic responsibility or a curiosity about the world, it is probably wrong to call you “the 9/11 generation.” You are more likely to be *the Iraq generation*. It will be you who will grapple with the financial, social, geopolitical, and human consequences of a war that has gone horribly awry. When you travel abroad, you will repeatedly have to answer the

question posed by strangers, sometimes with hostility, but often with sheer bewilderment: “What was the United States *thinking?!?*” If you are American, and I think most of you are, you will find yourself defending America’s honor more than you would like. You will also be ambassadors for that honor, ambassadors for what Abraham Lincoln called “our better angels.”

I consider myself a member of the Bosnia generation. Out of college, at the ripe old age of 22, I trekked to the Balkans and became a war correspondent. When my mother tried to stop me, I asked a version of young Stephanie’s question. “Why can’t I?” In Bosnia, I interviewed parents whose children had been blown up while jumping rope on Sarajevo playgrounds; women who had spent months chained to bedposts where they had been forced to service Serb paramilitary leaders; and British, French and American diplomats who lamented the slaughter, but lacked the will to stop it.

The word “brutalize” is an important one. Today it is used to signal abuse. As in “Army reservist Charles Granger brutalized prisoners in Abu Ghraib.” But originally it meant something different. It was not the perpetrators who brutalized others. It was the perpetrators and bystanders who *were* brutalized – or degraded and coarsened -- by their exposure to, or complicity in, horror. And that’s what the 1990s did to many of us; the horrors of Bosnia and Rwanda brutalized our sensibilities.

I went to law school not exactly out of reverence for law, but out of an acute dismay about the human costs of lawlessness. While the 1990s were about sins of omission, your generation will grapple with the costs associated with sins of commission. It is easy to get used to the morning news, habituated. But don’t. The morning news is yours to alter.

\*\*\*

Now in the hopes that you’ll take up this challenge, I’m going to tell you five personal stories, each of which offers a lesson. I figure if I give you five, I increase my odds of saying something memorable. One of these lessons might just stick.

I found law school a jarring adjustment. Harvard Law School is notoriously competitive, but I didn't struggle much with its intensity – after Bosnia, it was hard to get worked up about too much. Rather I struggled with what felt like its irrelevance. On several occasions during my first semester, I moped into a professor's office and announced that I was going to bail when I was only \$15,000 in debt. I missed Bosnia. I missed meaning. I missed my journalist friends -- under-achievers relative to my wired peers at Harvard Law School, but under-achievers who had set out to achieve the grandest thing of all – using words [mere words!] to rescue a European people threatened with extinction. Even though I knew that our words hadn't sufficed, I missed the spirit of those who had been willing to risk their lives for a principle. I missed hanging out with those who knew they would likely fail, but who couldn't help but try. My battles in law school were not with precedents; they were with pointlessness. And I was pretty sure that I lacked the mental discipline to win that war.

The near final straw came at the very end of my first semester, just before Christmas. Plane ticket to Sarajevo in my pocket, I turned in my final exam in civil procedure and gathered my wheely suitcase from the back of the lecture hall and prepared to head straight to the airport. I was pleased with the exam. To my delight, the professor had asked us to determine whether it was possible for U.S. courts to round up and try suspected war criminals who visited New York for peace talks. I had filled my blue books with prolix prose and convinced myself I had nailed it.

Only as I left the classroom did I remember that the whole point of such exercises was to show that you can raise and respond to *counter*-arguments. I had been so determined to nab the bad guys that I hadn't grappled with a single contrary perspective or precedent. It was a disaster. Insult only compounded injury when, as I exited the large exam hall, a particularly competitive classmate walking ahead of me muttered to her friend: "Can you believe the advantage Samantha had," she said. "I mean she knew war criminals *personally*." This seemed to be taking Harvard Law School competitiveness to a fairly ridiculous place. I resisted the temptation to ask my classmate if, in order to improve her

prospects during the next exam season, she would like to accompany me to the Balkans...

Now obviously I endorse bringing passion to all you do. I'm a red-head. How could I not? ***But the morale of this story -- call it Lesson #1 -- is that too much passion can be an unhelpful thing.*** Conviction run amok can strip you of what the Chinese call "two man mindfulness." You can lose the ability to step into the shoes of another. You can surrender the most essential quality of all: empathy. Unless you can unclog your ears and actually hear the other side's argument, you will be unable to learn from your peers and unable, in the end, to refute them. Your counter-arguments will be grounded less in fact than in faith. Belief, conviction, and passion are all virtuous qualities. But belief, conviction, and passion that blind you to the perspectives of another will make you a worse lawyer and a worse person.

Law school continued to discombobulate me. From day one, I was told, "there is no such thing as right and wrong." "All that matters is who makes the best argument." "Justice is subjective." "Truths are the product of perspective and thus can vary wildly." Fresh from covering concentration camps in Europe, I was quite sure that there *was* such thing as right and wrong. Still, I did my best to submit to what at times felt like a cult. I had been told that the Kool Aid law school was serving would be good for me, but there were times I thought I might be allergic.

How many of you got through law school without experiencing an awful "Paper Chase moment"? Well, I very nearly escaped. It was not until the first day of my final semester in law school, the spring of my third year – long past the time that I should have learned to "think like a lawyer" – when I heard those feared words out of my professor's mouth: "Ms. Power, will you kindly state the case!" I nearly died. I had survived the siege of Sarajevo, but my heart raced, my tummy summer-saulted, and a voice inside my head tried to soothe me, "this can't be worse than Milosevic, this can't be worse than Milosevic." But it was.

The case was Spaulding versus Zimmerman. In a miracle among miracles, I happened to have actually read the thing. Back in the 1950s, there had been a car accident. A guy called John Zimmerman had rear-ended a twenty-year old named David Spaulding. Spaulding's ribs were broken and he suffered a concussion and some internal bleeding in the head. He sued Zimmerman for damages. Fairly straightforward. But controversy arose when Zimmerman contracted a doctor to examine Spaulding to gauge the gravity of the injuries. This doctor detected an aortal aneurism that might rupture and cause Spaulding's death. Spaulding was oblivious to his condition. Only Zimmerman and his lawyer possessed the vital, life-saving information.

My ethics professor asked me whether Zimmerman's lawyer had a duty to disclose what he knew of Spaulding's perilous medical condition, when non-disclosure could result in severe harm. I was confused by the question. I looked around at my classmates, assuming that they too would be surprised by the professor's line of inquiry. But they seemed unflustered.

"We're talking about an aneurism," I said simply.

"Yes, I'm aware of that Ms. Power, but what should the defendant's lawyer do?" the professor asked.

"Pardon me?" I asked, wondering whether it was a trick question. "It's an aneurism!" I said again.

"Yes, we've all read the case," the professor continued, "But what should the defendant's lawyer do?"

I was totally confused: "Um, if Zimmerman's lawyer doesn't tell Spaulding, Spaulding might *die*!" I said.

By this time the only hands that had not shot up to the sky were those belonging to me and my professor. Even those who had not done their homework understood the grave fallacy of my thinking. If Zimmerman's lawyer disclosed Spaulding's medical condition, think of the spillover effects! What defendant would ever trust his lawyer again? How would the system of justice fare if a defense lawyer privileged the needs of the plaintiff

over those of the defendant, who, after all, was not *necessarily* responsible for the aneurism? What I had long suspected to be true was now official: I was structurally incapable of thinking like a lawyer. And thank god for that!

But had I really learned so little? In recent years, since the publication of “A Problem from Hell,” I have had occasion to debate some of the architects of American foreign policy. And while the pre-law school Samantha would have let her Irish temper get the best of her, and would have fumed with rage, or wilted with despair amid pitched battle, the post-law school Samantha tries to bring an analytic scalpel to the arguments put before her, exhibiting what my mother calls “dispassionate passion.”

Now there is a cost, for sure, somewhere – maybe to the soul – of not just letting loose. But if law school has given you this ability to coolly absorb, analyze and rebut that which pains you and soils your sense of justice, it will serve you with your future employers, clients, romantic partners, and children. You will win more arguments than you used to...At these prices, you damn well better!

But here’s the rub – the trick is never to confuse means and ends. Cold-blooded reason is a tool that you can employ on behalf of what you believe in. But if you employ reason too soon, it can preempt feeling, and you can end up believing nothing at all. ***Lesson #2, then, is “Let reason be your tool, but let justice be your cause.”***

As was mentioned, I have spent the last nine months working in the office of U.S. Senator Barack Obama. Now, Obama is a seriously special dude. I have never come across anybody like him in public life. But Washington can be awful! Thousands of people are running around in government or in the Democratic government-in-exile. And while there are wonderful exceptions, who will be my friends for life, the ambition of many seems rooted more in a hunger for personal ascent, for access, and for power than it seems oriented toward serving the public. As a friend said to me on one occasion this year when I was feeling particularly despondent, “There are people who want to *be* in

Washington, and there are people who want to *do* in Washington. Sadly the former vastly outnumber the latter.”

But even after my time in Washington, I’d like to use this occasion to defend politics. Many of you went to law school because you cared about justice, and you thought that law might help you promote it. I urge you – no, I beg you -- not to shy away from using the one tool available to every American to create a better country and a better world. In his brilliant essay, “Politics of the English Language,” George Orwell wrote, “In our age there is no such thing as ‘keeping out of politics.’” In our age – in *your* age, class of 2006 -- there is *absolutely* no such thing as “keeping out of politics.”

Take foreign policy. For too long foreign policy has been settled away from domestic scrutiny and debate. Away from politics. A small group of unaccountable grey-haired men [plus two female Secretaries of State, known tellingly by their first names, Madeleine and Condi!] have crafted U.S. foreign policy behind closed doors. One of the reasons the United States blew the pre-war planning on Iraq is that the Bush administration said, “Trust us, we know what we’re doing.” And most of the rest of the country went along, leaving war to “the experts.”

But it is not the architects of U.S. policies at home and abroad who pay the price for short-sightedness. It is not *their* children who are serving their third tours in Iraq. It is not *their* grandparents’ bodies that still have not surfaced in New Orleans. It is not *they* who feel the pinch caused by \$3/per gallon gas prices. And it is not *they* who worry about how they will explain to their children where the glaciers went, or how the planet warmed an entire degree in our lifetimes.

Every single scandal and calamity that has struck America in the last five years was avoidable. Every single scandal and calamity that has struck America in the last five years resulted not from a shortage of information, but from a failure of *imagination*.

Let me start with the most trivial. I'm a baseball fan, a serious fan. And since I grew up a Pittsburgh Pirates fan and I'm speaking today near San Francisco, I'd like to say a word about Barry Bonds. In 1992, the year I graduated from college, Bonds was the runner up for the National League home run crown. He hit 34 homeruns, his highest tally in what was already an illustrious seven year career. Flash forward to 2001: Barry Bonds won the home run title with 73 homeruns [Out of 156 hits. That's one home run out of every two hits. His slugging percentage was .863!!].

Something wasn't right, and each and every one of us knew what that something was. The doubling of Bonds' home run total was accompanied by a virtual doubling of his cap size. Yet instead of facing an inconvenient truth, we all averted our gaze -- players, Major League baseball officials, and fans -- focusing instead on the glorious trajectory of a ball that flew higher and higher into the sky and further and further out into the San Francisco Bay.

As a result of our indifference, thousands of high school students have taken steroids in the hopes of emulating their buff heroes. A game whose majesty derives from the timelessness and precision of its statistics is discredited, its numbers deformed. Because we refused to face the underlying truth, we will now never be able to compare Hank Aaron and Barry Bonds, a shame for both men.

In politics this refusal to face inconvenient truths carries life and death stakes. And yet only *after* 3,000 American lives were lost on 9/11, did it become evident that FBI agents had warned of the danger that terrorists would hijack American planes and fly them into tall buildings. Only *after* more than 800 Americans died in New Orleans and tens of thousands of lives were ruined did we go back and read the stellar reporting in the *Times-Picayune* and see that people had been yelling and screaming about the vulnerability of the levees for years. And only *after* gas prices hit \$3 did George Bush begin talking about freeing the United States of its oil dependence and speeding up the production of hybrid cars. We have known about our energy crisis since the OPEC crunch of the 1970s. Why are we only now, suddenly, talking about rushing to mass produce hybrid cars?

Samuel Johnson was most certainly right when he said: “Nothing focuses the mind quite like a hanging.” But we can’t afford to wait until we stand at the gallows to change the way we govern our country and live our lives. As individuals, as citizens, we have the power to focus our government’s mind, to get resources allocated, to save lives. We have the power to *concentrate* the powers of the American imagination. This power comes through politics. It is the rare politician who thinks more about the collective good than he does his or her individual fortune. I believe that Senator Obama is one who does. But politics is too important to be left to the politicians. It is up to the rest of us to demand that our representatives are attentive to the human consequences of their decision-making. And that means making ourselves heard. ***It means, according to Lesson #3, not turning our noses up at politics. It means using politics to trigger the imagination and to face inconvenient truths before a crisis strikes.***

I’m up to Lesson #4, which should come as something of a relief, as it concerns friendship. People often ask me how I avoid getting so depressed in writing about mass graves and mass death that I give up. There are two answers. One, which I’ve already mentioned, is baseball. [If the Red Sox can win the World Series, anything -- literally anything -- can be turned around...] But the other, far more reliable and durable route to emotional health is friendship. In 1993, when I went to Bosnia, I developed friendships with my fellow war correspondents that will last a life-time. These friendships constitute a literal life support to me today. We were kids then – all in our twenties. Some of us have stayed in journalism. The *Christian Science monitor* correspondent, the lone guy in the group, is now a hot shot *New York Times* correspondent. The then-contributor to *Harpers Magazine*, who is the bravest woman I know, spends most of her days reporting for the *New York Times Magazine* from Afghanistan and Iraq. But most of the rest of us have left full-time journalism. *Time* magazine’s stringer in Bosnia went to University of San Francisco law school and is now a public defender in the Bronx. The ex-*Newsweek* stringer trains journalists in the developing world. The former *Financial Times* reporter writes books on conflict resolution and is the mother of three divine children. She made the mistake of making me the godmother of one this spring. And the ex-correspondent for

the British *Independent* is expecting her second child and has just joined Human Rights Watch...

During the Bosnia war, none of us could have predicted where we would end up. Nor that, twelve years later, we would still be drinking together, laughing our heads off together, and nursing one another through personal disappointment and loss. Each of us in our own small way is trying to make the world a teeny-weeny bit better, but I can't think of the last time any of us has discussed war, justice, or politics with one another. We discuss books, baseball, and boys. We cry together when it is warranted, but mainly we laugh. My, how we laugh...

I'm not sure who among us developed what will sound like a pretty warped standard for love. But one among us asked of a man she was seeing, "if I had to become a refugee, could I do it with him?" In my friend's case, the guy flunked and was given the boot. But that question, that standard, has remained with me. If you lost your creature comforts, if Katrina struck your neighborhood, who could make you laugh, care for you, remain curious about you, and retain *your* curiosity? Each of my family members and my closest friends passes this morbid but telling test with a resounding yes. ***Lesson #4, then, is that when it comes to fighting the good fight, there is no fuel like friendship.***

And even a fleeting friendship can be transformative. I was reminded recently of Anna Ahmatova's 1957 long poem "Requiem 1935-1940," so I dug it up. In a prose section before the poem, entitled "Instead of a Preface," Ahmatova describes how she spent seventeen months waiting in long lines outside one of Stalin's prisons in order to visit a loved one. One day when she was standing in the visitors' line, she was recognized as the world-famous poet she was. A woman who was waiting beside her approached. Ahmatova recalled the encounter:

She asked me in a

Whisper (everyone spoke only in a whisper there):

"Can you describe this?"

And I answered: “Yes, I can.”

Then something like a smile glided

Fleetingly over what had once been her face.

What a power each of us has to give voice to the voiceless, to offer warmth in the chill, and to supply the taste of friendship to those who desperately need it.

*The fifth and final lesson I offer is that you don't have to do everything in order to do something.* I've already mentioned Orwell, who has long been a favorite writer of mine. But this presented me with a serious problem: If you grow up reading Orwell, and you set out to write your own book, you are in trouble: he set the bar too damn high. Some influences can be paralyzing.

But a few years ago I came across an essay on Orwell by Lionel Trilling that liberated me, reminding me of Orwell's magnetic ordinariness. Trilling wrote:

If we ask what it is [Orwell] stands for, what he is the figure of, the answer is: the virtue of not being a genius, of fronting the world with nothing more than one's simple, direct, undeceived intelligence, and a respect for the powers one does have, and the work one undertakes to do...he is not a genius – what a relief! What an encouragement. For he communicates to us the sense that what he has done, any one of us could do.

With Trilling's words I was able to embark upon writing “A Problem from Hell.” I was unleashed to do what I could do. I could do no more. But I also knew I should do no less.

You are now free to do what you can do. You don't have to be educated to tell the truth, anymore than you have to be a lawyer to revere the law. But you, graduates of 2006, have simple, direct, undeceived intelligence, *and* you have a real-life skill. You have a degree that empowers you to help those who can not help themselves. Like Ahmatova, you can act as the voice for those who are inarticulate, weak, or muzzled.

It would be perfectly normal, in the days ahead, if you found yourselves daunted by the weight of this burden, or by the complexity of the twenty-first century condition. But before you give up, try, if you can, to remember the words of Stephanie, the 18 year old Rwandan girl -- Stephanie, the Swarthmore student who, though new to America, already understood the essence of the American dream, the essence of American democracy, and the essence of the journey and the struggle ahead. Remember Stephanie's words, and Stephanie's challenge: ***WHY CAN'T WE?!!***

Congratulations, Santa Clara Graduating Class of 2006. Its now official: You can. And you must.

I thank you.