CELEBRATION 50:
WHAT I LEARNED AT HARVARD LAW SCHOOL

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I.  Introduction

Over the course of this weekend commemorating Celebration 50, we have all had the opportunity to hear some spellbinding tales of triumph on so many fronts: human rights, criminal justice, international law, public policy, jurisprudence, philanthropy, education—the list stretches on. What women have achieved with their Harvard Law degrees staggers the mind and alters the mindset of many a parochial thinker. For that, we should all feel profoundly grateful. Of course, we are also here to celebrate the men in the room who have made these achievements possible: the fathers, teachers, husbands, and mentors who have chipped out the handholds and footholds that female Harvard Law graduates have used to scale new heights over the past 50 years.

During orientation in 1953, the Harvard Law School dean addressed the handful of women who had been admitted and asked them why they had bothered to show up.1 He had a point (to a degree). There were no job prospects for women attorneys in the 1950s. None. The women of that pioneering class have since answered the dean’s question with their sharp intellects, their unshakeable wills, and their careers of steady accomplishment. Among these women were the Honorable Sondra Miller and the Honorable Frederica Brenneman, who spoke earlier today on their “views from the bench.”

But what I find even more poetically satisfying and indicative of the progress we have made in fifty years is the fact that the dean of the Harvard Law School is now—as of last month—a woman. And a finer dean we could not ask for. Dean Kagan: I should tell you that I actually contemplated the day when Harvard Law School would name a female dean in my first novel, A Darker Shade of Crimson, published in 1999. Of course, I should also tell you that it was a murder mystery, and the newly


1 Seth Stern, Fifty Years After Admitting Women, Law School Hires Woman Dean, CHRISTIAN SCI. MONITOR, Apr. 15, 2003, at 12.
appointed dean was the murder victim. But I have much higher hopes for your tenure; I am sure that it will be long and very productive!

I’ll be honest. I do a lot of public speaking, but this occasion presented some unique challenges. What exactly do you tell an audience that knows everything? This is, after all, Harvard. And we are, after all, lawyers. In reviewing my options, I figured the safest route back to my dessert plate was to share with you something that only I could know: my own perspective, my own experience of Harvard Law School, and the lessons I learned here.

II. THE LESSONS OF HARVARD LAW

There are certain things that every student learns at Harvard Law: how to write, how to construct an argument, how to read lengthy cases and distill from them a set of basic principles, and how to speak publicly. Those skills have served me well in my career; I am sure many of you feel the same. Tonight, I thought I would share five other lessons that I learned here, a bit more esoteric and perhaps more personal to me, that have also served me well.

A. How To Shatter Glass and Not Get Cut

I grew up in the Midwest and was taught to be respectful and reserved. My parents were both from the South and had worked hard to achieve a middle-class lifestyle in Detroit. My brother and I grew up believing that education and perspiration were the keys to success and that lawyers were heroes. Thurgood Marshall was mine. I was the first student from my parochial high school even to apply to Harvard College and was immediately cautioned against it by my well-meaning guidance counselor. It was an "unrealistic expectation." The memory of this sense of trepidation stayed with me for a long time. However, it was not until I entered law school that I learned how not to keep my head down.

In fact, I learned to be bold, imaginative, and to question authority. I learned that it is okay—actually very important—to be aggressive in the pursuit of your objectives. With professors like Arthur Miller and Alan Dershowitz, it was hard not to learn that lesson. They were “envelope pushers” of the highest order. I met extraordinary individuals, like Charles Ogletree, who were fierce advocates for their students and their clients. I learned that even one lone voice can make a difference. My constitutional law professor, Derrick Bell, made the ultimate statement of principle in his fight to see a black woman named to the faculty here.² His example

² In 1990, Professor Bell took an indefinite leave of absence to protest Harvard Law School’s failure to hire a tenured woman of color. See Derrick Bell, Faces at the Bottom of the Well 142 (1992).
shines brightly and reminds us all how much men have done to advance the causes of women.

People talk about the glass ceiling, and it undoubtedly still exists. Each of the extraordinary women we have heard from this weekend has sustained flesh wounds in her break through the glass ceiling, but break through it she did. Mary Robinson carved a space fighting for women and the gay community as a young lawyer in Dublin. She sustained her share of scratches, but she prevailed, becoming Ireland’s first female head of state and the first to use that bully pulpit to draw attention to the plight of the developing world. That was a cause she continued to advance, boldly, as the U.N. High Commissioner for Human Rights.

Well before she was the nation’s “top cop,” Janet Reno was reforming the juvenile justice system and pursuing deadbeat dads in Dade County. This nation’s longest serving Attorney General in the twentieth century, she nevertheless had difficulty securing a job after she graduated from Harvard Law School. One of Miami’s largest law firms denied her a position because she was a woman. Fourteen years later, that same firm made her a partner.

Ruth Bader Ginsburg spent her second year at Harvard Law taking not only her own classes but her husband’s as well. As a third-year law student, Martin Ginsburg was diagnosed with cancer and had to undergo massive surgery and radical radiation treatments. So Justice Ginsburg covered both sets of classes, taking notes and typing both of their papers, until her husband recovered—that is, when she wasn’t taking care of their baby daughter. When her husband accepted a job with a New York law firm, she transferred to Columbia Law School, where she made law review, again, and graduated tied for first in her class. Justice Ginsburg received no job offers from New York law firms, nor was she able to get a clerkship interview with a Supreme Court Justice. Not even an interview. Ironic, isn’t it?

Still, despite the setbacks, these women achieved positions of magnificent influence where they have made profound differences. They are models for me and so many others on how to shatter glass and not get cut.

**B. How To Win on Appeal**

If I had to name the single most important asset in a corporate career, it would be resilience. There is not a shining star in this room that has not been nearly extinguished once or twice. We have all experienced disappointment and high hurdles. We have all made mistakes. What Harvard Law taught me, however, was how to turn defeat into an opportunity for victory. That is the beauty of our legal system: the appeals process. When you explore that process and how it works, you realize that “it’s
not over until it’s over.” There is always another court to go to, another
test case, another chance for justice. And that is a powerful life lesson.

At CNBC we have been weathering the storm for the past two years.
Just as I came on board, we got hit with a weak economy, a shrunken adver-
tising market, and increased competition in the cable news space—not to
mention a major terrorist attack on the seat of capitalism. Now, of course,
we have the prolonged aftermath of the war with Iraq. At first glance, this
is not the ideal environment for a business news channel, but we have
managed to make lemonade out of lemons. Thanks to the efforts of an
extraordinary team of people, CNBC has successfully adapted its cover-
age and maintained its relevance. Despite what may seem like a chilly
marketplace for market news, we are winning on our resilience and on
“appeal.”

C. Glom onto the Geeks

As a general rule, I try to surround myself with smart people. The
debates in the classrooms—and the cafeteria—of this institution made a
lifelong impression on me. I felt privileged to be in the company of so
many brilliant and passionate minds. It is precisely that sort of spirited,
intellectually curious atmosphere that I have tried to recreate within the
departments and companies I have managed in my career. My business
strategy is simple: hire and promote every smart person I can find.

Many of these people, not surprisingly, have been women. We have
an amazing roster of on-air talent at CNBC—market reporting veterans Sue
Herera and Maria Bartiromo, media maven Tina Brown, anchors Con-
suelo Mack, Michelle Caruso-Cabrera, Martha Maccallum, and Liz Clam-
man, and, starting in May 2003, senior trading correspondent Alexis
Glick. Behind the camera, I have appointed Judy Dobrzynski as manag-
ing editor. Here are some of the other jobs held by women at CNBC: gen-
eral counsel, head of primetime programming, executive producer, VP
for communications, and SVP for marketing. Half of my direct reports
are women, and, more importantly, all of them are really, really smart.

D. Do More than What Is Required; Do What Is Right

I found that to be the governing philosophy at Harvard Law School.
We were not here to learn the law so much as we were here to learn what
is right, even if it is not required by law.

It is that philosophy that Time magazine chose to honor this past De-
ember when it named three intrepid women as “Persons of the Year”: 
Coleen Rowley of the FBI, Cynthia Cooper of WorldCom, and Sherron
Watkins of Enron.3 These are three women of exceptional fortitude but

3Richard Lacayo & Amanda Ripley, Persons of the Year: Coleen Rowley of the FBI,
ordinary demeanor, “heroes . . . anointed by circumstance”4 as *Time* put it. All three grew up in small towns in families that struggled at times from paycheck to paycheck. All three were the chief breadwinners in their families. All three hate the term “whistleblower.” They were just trying to do what was right and, in so doing, they put their jobs, their health, their privacy, and their sanity at risk.5

Until *Time* brought them together in December, these three had never met or granted on-the-record media interviews. In fact, they actively avoided the limelight. “They became public figures only because their [internal] memos were leaked.”6 In the *Time* series, Sherron Watkins made note of the fact that Enron used to hand out note pads with inspiring quotes. One was from Martin Luther King, Jr.: “Our lives begin to end the day we become silent about things that matter.”7 It makes you wonder how many people looked at that prescription every day—and ignored it. It also begs the question, does gender play a role in the “corporate conscience” arena?

Based on my own direct experience in the business world and my frequent contact with CEOs as the head of CNBC, I would offer the following observation: I would not agree with the statement that women are inherently more “ethical” than men. I think they are, however, more sensitive to the defects in their workplace and thus, as a high-profile chief executive with whom I recently had lunch observed, more probing and skeptical. This is probably a function of being relatively new to the scene and, thus, disadvantaged in the traditional corporate structure. The fact that they do not “fit in” as easily gives them a different, arguably more objective, viewpoint and the emotional distance to act on what they see.

So, I do not think it is mere coincidence that women are bringing these examples of institutional dysfunction and malfeasance to the fore. While women may not be our corporate conscience, they have certainly elevated it in the past year, and that achievement should be celebrated. The recent reform of corporate governance and financial disclosure standards are a direct result of recent revelations and a tribute to a group of individuals who went beyond what is required in their efforts to do what is right.

### E. How To Get Rich

I should confess at this point that I was in the joint J.D./M.B.A program, but, even so, the riches I refer to are not the sort you count in dollars and cents. I am referring to the intangibles that, together, constitute a rich life: friendships, creative expression, giving back, and making a dif-

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4 *Id.*
5 *Id.*
6 *Id.*
ference. I serve on three not-for-profit boards. I write novels. I am mother
to three children (and wife to one). And, to a large extent I have Harvard
to thank for that—for the extraordinary role models I studied and studied
under and the friendships I made that have endured. I can offer no greater
testimony to my affection for this place than to tell you that the godpar-
ents of Larry’s and my three children are all graduates of Harvard Law
School. I can honestly say that “some of my best friends are lawyers.” I
hope that all of you can say the same.

III. Conclusion

This weekend has furnished me with so many insights and so much
appreciation for the progress we have made as women on so many fronts:
in the home, at the workplace, on the bench, in the legislative chamber.
The women who have passed through these halls have left their marks on
this world we live in, and those marks are things of beauty and elegance
and integrity. I am proud to be part of that legacy and honored to be in-
cluded in this celebration of it.

The women law students who follow in our path will help us extend
its boundaries in new and exciting directions. Despite the progress we
have made, much remains to be done. Those who rest on their laurels are,
quite simply, wearing them in the wrong place. I look forward to what
the future brings as fondly as I regard the accomplishments of the recent
past. We have an extraordinary vantage point as we straddle two centu-
ries. So much has changed in our lifetimes, and so much is yet to come.
Of two things I am certain: the lessons learned and the friendships formed at
Harvard Law School will endure. And that is cause for great hope.