

the tensions that are the stuff of judging in so many hard constitutional cases are, after all, the products of our aspirations to value liberty, as well as order, and fairness and equality, as well as liberty. And the very opportunity for conflict between the good and the good reflects our confidence that a way may be found to resolve it when a conflict arises. That is why the simplistic view of the Constitution devalues those aspirations, and attacks that confidence, and diminishes us. It is a model of judging

that means to discourage our tenacity (our sometimes reluctant tenacity) to keep the constitutional promises the Nation has made.

So, it is tempting to dismiss the critical rhetoric of law making and activism as simply a rejection of at least some of the hopes we profess to share as the American people. But there is one thing more. I have to believe that something deeper is involved, and that behind most dreams of a simpler Constitution lies a basic human hunger for the

certainty and control that the fair reading model seems to promise. And who has not felt that same hunger? Is there any one of us who has not lived through moments, if not years, of longing for a world without ambiguity, and for the stability of something unchangeable in human institutions? I don't forget my own longings which heartily resisted the pronouncement of Justice Holmes, which I read as an undergraduate, that certainty generally is illusion and repose is not our destiny.

## Laugh Lines

*In the best unscripted moment of the Phi Beta Kappa Literary Exercises, chapter president Ann Blair, Lea professor of history, inadvertently proceeded directly from her introduction to the recognition of outstanding teachers, temporarily skipping over the invocation. When he was subsequently recognized, the Reverend Peter J. Gomes, Plummer professor of Christian morals and Pusey minister in the Memorial Church, quipped:*

*"It's never too late for prayer."*

*Addressing the seniors, President Faust touched on the financial crisis and a resulting budget cut that pained students—or at least those who don't habitually sleep late. Her Baccalaureate address, she said, was*

*A last moment of reflection when my wisdom and your wits are supposed to send you shooting off into the future with confidence and purpose and, at long last, a new world of opportunities for hot breakfast.*

*The same sense of loss carried over into the 2010 Class Ode, sung a cappella during Class Day exercises. The second verse, composed by Caitlin L. Lewarch and Bradley E. Oppenheimer, and inspired by Samuel Gilman's "Fair Harvard":*

*Now as seniors, we look back upon our four years,*

*With all of their highs and their lows. We welcomed Drew Faust, though hot breakfast was lost,*

*And we beat Yale three years in a row. Now, into the world! Or at least to grad school!*

*We have conquered theses and swine flu.*

*And so onward we march, Class of 2010, And fair Harvard, we bid you adieu!*

*In "Elevator Safety and Immortality," Class Day Ivy Orator Alexandra Petri '10, co-writer of the past two Hasty Pudding Theatricals and a writer for On Harvard*

*Time, advised her classmates:*

*I know what you're all thinking right now. Yup, "Elevator safety is very important."*

*It is! You have a Harvard education now, and it would be a shame if you were to suffer some sort of accident.*

*I'm sorry, that may have sounded more threatening than I meant it to sound.*

*Ever diligent, Petri researched the problem:*

*To learn more about how to stay safe while waiting [in a stuck elevator], I called the New England Fire Marshal. "Hello," I said. "I'm a Harvard student. I go to Harvard, a small institution that we like to call Harvard, and I took a moment from polishing this marble bust of myself...to wonder about safety—" This is when he hung up, but in the silence before he put*

*the phone down I could hear him respecting me.*

*She then suggested how to prolong one's stay:*

*If you are a king and someone named Macbeth asks you to come and have what he describes as a "fun sleepover," you can refuse. If you discover that you are actually a giant blimp named The Hindenberg, you can stay on the ground! If you have a "friend" named Judas and he suddenly seems to have more silver than usual, you can get out of there!*

*But if all else fails, she had a strategy for attaining a sort of enduring fame:*

*So maybe we should reconcile ourselves to the fact that we are eventually going to keel over....Maybe, instead of just wandering around in constant terror of stuck elevators, we should go out and try to win immortality the hard way, by doing something that will keep our names alive. This is great for our names and less good for us, but it's better than languishing in obscurity—which, incidentally, is the career goal that OCS [the Office of Career Services] recommended for me.*

*And there are lots of good ways to keep your name alive. You can name a chain after yourself, the way McDonald and Arby and Lady Footlocker did.*

*Faust also made a glancing Baccalaureate reference to Adam Wheeler, the former student whose allegedly fraudulent application materials, plagiarism, and other transgressions sparked national discussion at the end of the academic year—and resulted in a 20-count indictment:*

*Your accomplishments were legion—or at least you said they were. We're still working overtime to double-check all your claims before Thursday.*

*In "Cor Harvardianum, Cor Nostrum" (The Heart of Harvard, Our Heart), Latin Salu-*



Alexandra Petri

But I have come to understand that he was right, and by the same token I understand that I differ from the critics I've described not merely in seeing the patient wisdom of the *Brown* decision, or in espousing the rule excluding unlawfully seized evidence, or in understanding the scope of habeas corpus. Where I suspect we differ most fundamentally is in my belief that in an indeterminate world I cannot control it is possible to live fully in the trust that a way will be found lead-

ing through the uncertain future. And to me, the future of the Constitution as the Framers wrote it can be staked only upon that same trust. If we cannot share every intellectual assumption that formed the minds of those who framed the charter, we can still address the constitutional uncertainties the way they must have envisioned, by relying on reason that respects the words the Framers wrote, by facing facts, and by seeking to

understand their meaning for the living.

That is how a judge lives in a state of trust, and I know of no other way to make good on the aspirations that tell us who we are, and who we mean to be, as the people of the United States. ▢

tatorian Mary Anne Marks '10 managed to shape the ancient language to modern uses, thus:

"... p r o f e s s o r e s q u i l i t t e r i s e l e c t r o n i c i s l o n g i o r i b u s a d q u a e s t i o n e s r e s p o n d e b a n t..." (professors who responded to questions with lengthy e-mails).



Mary Anne Marks

*Graduate English Orator Jimmy Tingle, a Cambridge-born comedian who came to the Kennedy School to earn his M.P.A., sent up the conceits of elite education, town-gown relations, Wall Street, and globalization. Excerpts from his talk:*

I started here in Boston in early 1980s and actually did street performing in Harvard Square and have traveled all over the world performing stand-up comedy. I don't want to brag but three years ago I performed Europe, I'd just like to say, excellent country. What's nice about being here today is that you actually get that joke.

By the time I was in the eighth grade our whole neighborhood had their eyes set on Harvard, not for scholarships, but because it was an excellent place to steal bicycles.

I remember some 40 years ago, running through this very Yard, being chased by Harvard students, the Harvard faculty, and the Harvard police department.

Other college campuses during the 1960s were bitterly divided between the students and the administration over civil rights and the war in Vietnam, but here at Harvard my friends and I were able to

unite the students, faculty, and law enforcement....

I just want to say to the alumni gathered here today on behalf of myself and all of the other misguided youth of Greater Boston, who may have unjustifiably taken your bicycles, we're sorry....

I am so glad I did not get away with the petty crimes of my youth, for had my dishonest behavior been rewarded I may not be with you here today. My life may have taken a different turn, and I could have ended up on Wall Street.

We all have faced challenges getting here and more academic challenges once classes started. My biggest academic challenge was the "quantitative mathematics requirement" for graduation. Unfortunately I had to take "Statistics."

Fortunately we had a great and dedicated teacher, Deborah Hughes Hallett. She was kind enough to arrange "extra-help" sessions for students who were struggling with the material. I went to every single extra-help session offered to our class. It was usually a very familiar scenario, me and nine students from other countries. Countries often in deep conflict with one another—India and Pakistan, Turkey and Greece, Israelis and Palestinians, all of us helping one another, all of us learning from one another, all of us supporting one another. And I say this as a native Bostonian, all of us with English as a second language.

*Not actually reporting from Commencement, but perhaps present in spirit, Patricia Marx '75,*



Jimmy Tingle

the New Yorker's *On and Off the Avenue* correspondent (see "Not Groucho [But Way Funny]," March-April 2008, page 28), captured the aspirations and anxieties of the season in her Harvard-savvy graduation-gift column in the May 31 issue: I'm not saying that a degree in Folklore and Mythology won't help your daughter land a job, but a gift certificate for a useful vocational course makes a handy present. The Natural Gourmet Institute offers one-night classes in Extra-Luscious Vegan Cupcakery (48 West 21st Street, second floor; \$110). The International Center of Photography will teach her video skills in 10 weeks (1114 Sixth Avenue, at 43rd street; \$890). Does she aspire to be "authentic, confident, and vibrant"? The New York Reality TV School holds workshops for television hopefuls (212-332-0878; \$179).