
SIDNEY SHAINWALD PUBLIC INTEREST LECTURE
INTRODUCTION BY THE HON. JACK B. WEINSTEIN
MARCH 14, 2016

Well, dear friends, the program lists the introducer of this great senator as Kenneth Feinberg. I'm not Kenneth Feinberg. I'm Jack Weinstein. But it's a great honor to be here between two heroes of mine, Sybil Shainwald and Senator George Mitchell.

Sybil was the attorney who developed the extraordinary substantive and procedural methods of dealing with DES, diethylstilbestrol, which was given to mothers to help them during the pregnancy and destroyed, in many cases, the reproductive organs of their daughters, some of whom are here today. And what she did in settling and trying these cases was extraordinary.

But what she did in getting these people into her office in individuals, groups, and into the courthouse to speak to the judges and others was quite extraordinary and has never been duplicated. She handled not only the legal problems but the psychic and emotional problems of these women, and did it successfully, and she should be celebrated for what she's done and is doing.

Now, Senator George J. Mitchell is an example of one of our greatest lawyers and public servants. In the highest tradition of our legal profession, has served our country and the world. His latest book is fascinating. I have it here. The moment I heard about it I ran out and bought my copy, and here it is, [The Negotiator: Reflection on an American Life from Maine to the U.S. Senate, from Baseball to Disney, from Northern Ireland to the Middle East.](#) And there's a short chapter here entitled Elizabeth Taylor's Husband. As far as I'm concerned, this short chapter was worth the price alone.

Among his many achievements, he was a poor Maine boy. He doesn't claim to be barefoot, but he was a poor Maine boy who literally came from the wrong side of the railroad tracks to become Democratic Majority Leader of the Senate. He worked in a trusting relationship with Republican Senator Bob Dole to make our government work in a way that is a sad contradiction to what goes on in Washington today.

He led in passing the laws protecting our air and water. He ended the Northern Ireland war and came very close, I think, to stopping the Arab-Israeli conflict. He was Chairman of the Walt Disney Company, changing its course from failure to a roaring economic success. And he, among other things, authored the report on the use of performance-enhancing drugs in baseball, stopping that scandal and allowing baseball to continue as a great American sport.

He's led a large private international law firm, and he is a fellow New Yorker. And he was also a United States District Court Judge for a very short time. He went on to greater things.

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Remarkably, in the light of what's going on now in Washington with respect to a replacement of a Supreme Court justice, he turned down President Clinton directly -- I was going to say to his face, but it was over the telephone. When Clinton called and said he wanted to appoint the senator to a vacancy on the Supreme Court he said, "I can't do it," not because he wouldn't have been a great Justice, but because he felt that he was obligated to devote his attention to trying to pass the Clinton healthcare bill that would have solved so many problems for this nation.

He explains in this book his renowned skill in negotiation. And I have two quotes: one on Page 351. Mark it down so you can read it later: "How do you negotiate?" He says, "it's definitely not science or math. It's very much an art, requiring knowledge, skill, judgment and humility." On page 357, he advises: "Learn to listen. That is the most important lesson of my political life." Read it yourself. I've been trying to learn to listen for 94 years, and I haven't yet gotten the knack, but it's beginning to help me a bit in Court.

But what he doesn't say in this book, and what is the message that runs through his life and the book, is that George Mitchell is honest, can be trusted, is fully devoted to the job at hand, and is a man of utter integrity.

Senator Mitchell, welcome.

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Thank you very much, Judge Weinstein, for that really wonderful introduction. Judge Weinstein and I both attended law school in the evening. We both worked as truck drivers to get through school. And we both became United States District Court judges. And there the comparison ends. Next year, he will celebrate his 50th year as -- go ahead and applaud -- as Representative Maloney said, one of the truly greatest judges in all of American judicial history.

I can't tell you how honored I am to be introduced by him, especially since my career as a United States District Court judge lasted less than a year. The one thing I can say as a result of his long tenure and my brief tenure is that I was never reversed by any appellate court. But I mean it sincerely when I say I have been an admirer of Judge Weinstein, something that I think is shared by a vast majority of lawyers in the United States, for most of my life, and it's a great honor to be introduced by him here today.

I thank Carolyn Maloney for being here. I have the pleasure of not only being a fan of hers but a constituent of hers, and I told her as of now she's ahead one to nothing in the election coming up this year. I'm sure she doesn't need it. She's going to do well, as she always has.

There are many distinguished officials here, other district court judges, former Attorney General Bob Abrams, of New York, and I want to thank all of them for coming. Please join in applauding Attorney General Abrams.

Now, I speak often, so I'm introduced often. I've heard myself talk so much that for me the highlight of the program is the introduction. And so I'm feeling very good about that. Always a pleasure to hear people say nice things about you, especially in public, especially when they're as important as Judge Weinstein is, but there's a risk to it, that if you hear this kind of stuff often enough you may begin to believe it. So, I like to start with a story about introductions and how I was brought back down to earth.

I spent five years working on the peace process in Northern Ireland, and after we got the agreement I returned to my home in the U.S. and I wrote a book about that experience. When the book was published, I set out on a promotional tour around the country. I received many, many invitations, and I learned in the process that in the United States there are more Irish-American organizations than there are Irish Americans. And almost everyone invited me to come to their group. I couldn't go to all of them, but I went to many.

And as I traveled the country speaking to these Irish-American groups there developed among them a competition as to who could give the longest, most fantastic, frequently ridiculous introductions of me. The proper reaction, of course, would have been for me to show some of the humility which I describe as necessary. But I had an improper reaction. I loved it. I encouraged them. I scolded them when they left something out.

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And finally, when I got to the last stop on this book tour, Stamford, Connecticut, the Stamford Irish-American Society, I was so impressed with myself that I had a hard time squeezing my head through the front door. When I got inside, the first person I encountered was an elderly woman who rushed up to me, vigorously shook my hand, heaped praise upon me for several minutes describing how great I am and what wonderful things I've done all over the world.

And then she concluded by saying, "I don't live anywhere near here. I drove all the way across the state of Connecticut just to come here to shake your hand to tell you what a great man I think you are and to ask you please would you sign my poster." And she handed me a poster with a photograph on it and a pen. I looked at it. I said, "I'd be very happy to sign your poster, but before I do I think there's something I should tell you."

She said, "What is it?" I said, "I'm not Henry Kissinger." She said, "You're not?" She said, "Well, who are you, anyway?" And when I told her, she said, "Why, that's just terrible." She said, "I drove three and a half hours to meet a great man named Kissinger and all I've got is a nobody like you." I said, "Well, I'm sorry you feel so bad. I wish there's something I could do." And she thought for a moment, she said, "Well, there is."

When I asked what it was, she leaned forward, I leaned forward, our heads were touching, and she said in a conspiratorial whisper, "Nobody will ever know the difference." She said, "Would you mind signing Henry Kissinger's name to my poster?" So I did. And it's hanging in a living room in eastern Connecticut, a daily reminder to me not to take too seriously these wonderful introductions that I receive. But coming from Judge Weinstein I'll take it again any time.

Well, thank you all for being here today. It's a real pleasure for me to deliver the Sidney Shainwald Public Interest Lecture. In their lives, Sidney and Sybil Shainwald have worked for and have come to symbolize social justice. The Consumers Union is a memorial to Sidney, who arguably did more to help more people than most if not all of the public officials, like me, who have delivered this lecture. And so when Sybil asked me to come this year, I was truly honored. I thank you, Sybil, for the introduction and for all you have done to carry forward the torch of social justice.

The world has changed a lot since 1939, when Sidney, at the age of 22, wrote his thesis on Consumer Product Testing. But the principles on which our country was founded have not changed. In 1787, 45 American colonists gathered in Philadelphia for the Constitutional Convention. Their objectives were independence and self-governance, and they achieved both.

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The Declaration of Independence was a powerful statement of the right of free people to govern themselves. The first ten Amendments to the Constitution, what we call the Bill of Rights, is, to me, still the most concise and eloquent statement ever written of the right of the individual to be free from oppression by government. Our ideals distinguished our nation from the very beginning, and they appealed to people all around the world. They still do.

Our military power and our economic strength are necessary and important, but we must never forget that the United States of America was a great nation long before it was an economic or military power. Our ideals have been and remain the primary basis of American influence in the world. They're not easily summarized, but surely they include the sovereignty of the people, the primacy of individual liberty, opportunity for every member of society, an independent judiciary, and the rule of law, applied equally to all citizens, and, crucially, to the government itself.

Especially in these dangerous times, it can be difficult to find the proper balance between collective security and individual liberty. That is true both among nations and within nations. But the problem is not unique to our time. There are a few of us here who are old enough to recall the drama *A Man for All Seasons*. It was set in 16th century England. In the central scene, the Lord Chancellor, Sir Thomas More, is talking with Roper, the hot-headed suitor of More's daughter.

Roper wants a man arrested because, he says, he is a bad man, and he's dangerous. When Sir Thomas declined to act on that vague basis, Roper angrily says, "So now you'd give the devil the benefit of law," and More replied, "Yes. What would you do? Cut a great road through the law to get at the devil?" Roper said, "Yes. I'd cut down every law in England to do that."

And Sir Thomas responded with a timeless statement of the rule of law. "And when the last law was down and the devil turned around on you, where would you hide? This country is planted thick with laws from coast to coast -- man's law, not God's. And if you cut them down, do you think you could stand upright in the winds that would then blow? Yes," More ended, "I'd give the devil the benefit of the law for my own safety's sake." I repeat those last words: "for my own safety's sake."

The essence of the rule of law is that it protects all of us, and we need it. In Sidney Shainwald's lifetime, we saw how quickly a civilized, even a cultured society, descended into the abyss of lawlessness, a lawlessness which led to the horror of the Holocaust and the deaths of millions of innocent people and which degraded an entire nation and stained a whole continent. In the final analysis, it is the rule of law which stands in any society against that fateful descent. We are fortunate to be Americans, to be citizens of what, despite our serious imperfections, is to me the most free, the most open, the most just society in human history.

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I believe in the American dream because I've lived it. Before I entered the Senate, I served briefly as a District Court Judge. I enjoyed it very much, especially when I presided over what are called naturalization ceremonies. They're citizenship ceremonies. A group of people who'd come from all over the world and who'd gone through the required procedures gathered before me in a federal courtroom in my home state of Maine, and there I administered to them the oath of allegiance to the United States, and by the power vested in me under our Constitution and law, I made them Americans.

It was always very emotional for me, because my mother was an immigrant, my father the orphan son of immigrants. They had no education. My mother could not read or write. She worked nights in a textile mill for 50 years. My father was a janitor at a local school. But because of their efforts, and, more importantly, because of the openness of American society, I was able to get the education they never had and was able to become the Majority Leader of the United States Senate.

After every such ceremony I made it a point to speak personally with each of the new Americans, individually or in family groups. I asked them how they came, why they came. They spoke of their hopes, their dreams, their fears. And, although the answers were as different as their countries of origin, there were common themes, and they were best summarized by a young Asian man who, when I asked why he came, replied in slow and very halting English, "I came," he said, "because in America everybody has a chance."

Think about the fact that a young man who had been an American for less than 10 minutes, who could barely speak English, was able to sum up the meaning of our country in a single sentence. America is freedom and opportunity. That has made it possible for most of us here today to lead lives of relative ease, largely insulated from the harsh winds of life by our education, our resources, the webs of friendship and influence we've woven over a lifetime.

But if the responsibility of citizenship in a free society under the rule of law means anything, surely it means also that we should look beyond the comfortable lives of privilege that we lead to the lives of all members of our society, and indeed, of other societies, especially those who do not share our liberties, our privileges and our comforts.

In our country and all around the world, societies today are struggling to deal with the effects of three major trends. They are, first, the interactive effects of rapid globalization and very rapid technological change; second, the threat of global warming; and third, population growth, which is increasingly concentrated in the least developed and most vulnerable places on earth. Together they create massive change, widespread uncertainty, fear and anger.

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Many factors affect population growth, foremost among them the status of women. Where women are independent and empowered, populations stabilize; increased only by immigration. Where women are not independent and empowered, growth rates tend to rise, and over the next several decades they will do so rapidly. Sadly, in the most vulnerable areas, those population pressures greatly intensify the very poor governance and widespread corruption that exists. They go hand in and hand, and they serve to deprive the world over of the effective assistance of government that we in our country take for granted.

Consider these facts. Human beings were first estimated to have appeared on earth approximately 200,000 years ago. So it took that long, 200,000 years, for the world's population to reach 1 billion. The most recent billion, the seventh, was added in 13 years. Of the 7.5 billion people on earth today, one in five is Muslim. That's about 1.5 billion. A half-century from now, indeed sooner, there will be almost 10 billion people on earth and one in three will be Muslim, 3.5 billion. To put that into perspective, that was the total population of the world as recently as 1970.

Islam is now torn by internal conflicts, some of which overlap and intersect, some of which are even contradictory. Some date from the colonial post-World War I period. Others go all the way back to the seventh century and the political competition to succeed the Prophet Mohammad, which led to the division between Sunni and Shia. That division has been marked by alternating periods of violent expansion and remission. It is now very intense and expanding rapidly. Challenges to long-established balances of power in Iraq and Syria, and now, most recently, Yemen, have opened up that divide, with catastrophic consequences for the people of those countries. As the flood of immigrants from the region demonstrates, what most people in the Muslim world want is what most people everywhere want: a stable and secure society; a decent job; a home; and, especially, the chance to get their children off to a good start in life. But as the current conflicts make clear, many will not find that life, either in their homelands or elsewhere. That is an enormous challenge to the entire world.

The Industrial Revolution took place roughly in the century between 1760 and 1870. As machines replaced men, there was widespread fear that unemployment would rise to unacceptably high levels. There was, in fact, much misery and exploitation. But the increase in productivity was so dramatic that standards of living rose even as populations grew. That was a turning point in human history, because that was the first time in history that those two converged.

Today, 250 years after the onset of the Industrial Revolution, we are struggling with the effects of the new revolution, one which future historians will describe is as much of a turning point in history as the Industrial Revolution was. It is in technology and communication, and all in the context of a dramatic increase in global trade. The increases in productivity experienced in recent decades have produced massive increases in wealth around much of the globe. But, increasingly, the benefits are not being felt through the whole society.

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As a society, we Americans and every other human society have not yet been able to figure out how to replace the millions of middle-class, middle-income jobs that are being lost daily and not replaced. Whether and how we solve this problem will dominate our lives, including our politics, for decades to come.

The same can be said of climate change. One of the most disturbing features of our current political season is the extent to which the denial of scientific reality is so widespread in our country. That so many candidates for the highest office in our country deny global warming or oppose efforts to deal with it, or both, in the face of so much scientific evidence is not just disturbing, it's dangerous.

The Chairman of the Senate Environment Committee, one of the most important public positions in this country, has said, quote, "Manmade global warming is the greatest hoax ever perpetrated on the American people." But he and those who share that view are wrong. The science to the contrary is clear and is becoming overwhelming. Global warming is a reality which must be acknowledged and dealt with by people everywhere on earth.

The United States is the dominant power in the world and will be for as far into the future as human beings can see. How we respond to these challenges will have effects all over the world. I have confidence in America and in Americans. I believe that science and reason will prevail over ignorance and fear. I believe that we must, we can, and we will devise the policies to deal with these challenges and many others that will arise in coming decades.

As we do so, we must bear in mind that the solution to every human problem contains within it the seeds of a new problem. How we find the right answers to these and other challenges is likely to be as halting and as messy as is our democratic process, but in the end, I'm truly optimistic.

Recently, Warren Buffett delivered his annual report to the shareholders of his Berkshire Hathaway Company. In part, he wrote these words. "Many Americans now believe that their children will not live as well as they themselves do. That view is dead wrong. The babies being born in America today are the luckiest in history. American GDP per capita is now about \$56,000. As I mentioned last year, that, in real terms, is a staggering six times the amount that it was in 1930, the year that I was born, a leap far beyond the wildest dreams of my parents or their contemporaries."

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He went on to say that “U.S. citizens are not intrinsically more intelligent today nor do they work harder than did Americans in 1930. Rather, they work far more efficiently and thereby produce far more. This all-powerful trend is certain to continue. America’s economic magic remains alive and well.”

I, too, am confident, and I believe that we will emerge from the current controversies, as we have in the past, a better and a stronger country. Our goal must be a society which encourages striving, celebrates success, is conducive to innovation, and enables us to benefit from the talent, the energy, and the skill of every American.

The 21st century could be, like many in the past, a time of war, of famine, of oppression, of injustice. But it also could be a time when the dominant power uses its great strength carefully and commits its people, its power and its prestige to a great and noble vision, a world largely at peace, with the rule of law, freedom, education, opportunity and prosperity extending to more and more people here in our country and throughout the world.

That’s our challenge. Given the state of the world today, it is an immense challenge. But, as Sidney Shainwald did in his lifetime, we must work to make it our destiny. Thank you all very much for having me.