

“FREEDOM”

by

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NORDIC-AMERICAN THANKSGIVING BREAKFAST

November 25, 2003

The annual Nordic-American Thanksgiving Breakfast is indeed a special event. My colleague in the law, Hennepin County Attorney Amy Klobuchar, your speaker two years ago, takes great delight in describing what an awesome experience it is to walk into a room at 6:30 in the morning to see over 750 Nordic-Americans seated, eating breakfast, and drinking coffee. I agree, Amy—it’s awesome.

Today provides me with an opportunity to celebrate my own Norwegian heritage. My family names include Paulsen, Olsen, and Johnson. I have family ties to Gjerstad, Osterholt, Risor, and the Oslo Fjord. My wife Jan also has a Norway connection. Besides being one-half Norwegian, her sister, Carol, at age 20, forsook her West-Central Minnesota roots, traveled to Drangedal in Telemark where she married the love of her life—Olav Naas, a farmer, forester and local historian she met at the University of Minnesota. Carol and Olav’s union has caused our family connection to Norway to

flourish to the point that last June there were 22 American relatives in Drangedal to celebrate Carol's and Olav's birthdays on the summer solstice. What a marvelous celebration it was under the light of Norway's midnight sun.

But now on to the topic of my talk—Freedom.

It is fitting that we celebrate our Scandinavian heritage and Thanksgiving and, at the same time, talk about freedom. We must be very thankful for the freedoms we enjoy in this great country of ours and remind ourselves that our Scandinavian heritage is an important ingredient to the preservation of these freedoms. Many of our ancestors came to America seeking political and economic freedom. Our ancestors helped to create the “thoroughfare of freedom beat across the wilderness” described in the second verse of *America the Beautiful*.

But what is this concept of freedom that we cherish? When I told a law professor friend that I was going to speak about freedom, he asked with a smile whether I was going to speak for or against it. Obviously, the answer was—for it—but I told him my challenge was to define it.

I was acutely aware of this challenge several months ago when I was asked to address you on this topic. As I hung up the phone after receiving this invitation, I immediately had a sense of panic—what could I say that was meaningful? But after a few moments, I knew exactly how I was going to begin my speech.

I frequently talk to students about our system of government and, earlier that same morning, I had been to a junior high school. I was talking to the students about the separation of powers and I wanted to make sure they understood why governmental power must be shared. I also needed a way to get the students' attention so that my message would stay with them. My solution was to boldly tell them that in 1994, after nearly 140 years of Minnesota statehood, I was only the 78th person to be appointed to the Supreme Court. Therefore, because I was in such elite company, I must be nearly perfect, if not infallible.

Well, a number of students laughed out loud at this statement. After feigning a certain degree of dismay, I asked the students why they had laughed. After saying they meant no disrespect, they informed me that the

concept that I or anyone else was perfect or infallible was ridiculous. After all, we are human and we are all fallible. I then told them that they were absolutely right. No human is perfect; no one has a corner on wisdom. We are all fallible; that is why we need to divide power because as Lord Acton said “Power tends to corrupt and absolute power corrupts absolutely.”

Then I switched gears and asked the students whether they had any reluctance or fear for themselves or their families when laughing at the statement made by a Supreme Court justice. They quickly assured me that they did not; in fact, they said that they had not even given it a second thought. Now think about this reaction for a moment—*the students did not even give it a second thought*. What better example of freedom than an attitude that is so ingrained in our children that they have no reluctance to speak up freely and essentially say to me “the emperor has no clothes.” How privileged we are to live in a society where this is the norm. Unfortunately, this sense of freedom is not the norm for the majority of the people of the world. Therefore, the question for us becomes what must we do to ensure that our freedom shall long endure?

I believe that freedom is something precious—something that needs to be earned, understood, nourished, and sometimes fought for. Because freedom is not the natural order of things, those of us who enjoy its benefits must be ever vigilant to preserve it. We must never take our freedom for granted or become complacent. We must understand that freedom is almost always purchased at a great price. The opponents of freedom are always poised to take it away. Perhaps the most insidious of freedom's enemies are those persons who are willing to give it away. Further, we must learn to recognize the allies of freedom's opponents. They are fear, indifference, ignorance, illiteracy, prejudice, poverty, lack of education, and lack of opportunity.

History teaches us that every generation of Americans faces its own particular challenge to resist forces seeking to erode our freedoms. We are now in one of those challenging times. After 9/11, we face our own unique challenge to freedom. 9/11 has made us all feel threatened and less secure. Not since World War II and the beginning of the Cold War have we felt so threatened and have the concepts of national security and personal security been so intertwined.

We have a desperate need to feel secure, to feel safe. As we deal with these feelings, we are often asked to examine our freedoms and question whether they are worth the insecurity we feel. I have no doubt that you have been confronted, as I have been, by persons who tell you that national security and personal security are no longer compatible with our personal freedoms. I recently heard a leading law enforcement official speak about the threat of terrorism and how difficult it is to fight. I was struck with the speaker's clear message that we must be prepared to curtail our liberties when necessary as we engage in this "war on terrorism."

I know this official was only doing her job. And I do not mean to question her motives or be overly critical. But I will also do my job. As a judge, I take very seriously the obligation to preserve the freedoms guaranteed by our Constitution. As part of my job, I will sound a strong note of caution about any willingness to trade our freedoms for some vague sense of security. I stand before you today to make a clear statement that national security and civil liberties are not mutually exclusive; rather, they are essential to each other. As Henry Steele Commager said "Freedom is not a luxury that we can indulge in when at last we have security and prosperity

and enlightenment; it is, rather, antecedent to all of these, for without freedom, we can have neither security nor prosperity nor enlightenment.”

It is here that I want to pause to talk about what I perceive to be the current enemies of freedom—they are fear, ignorance, and indifference. We need to know that fear is the turf of the terrorist; fear is an enemy of freedom. We cannot and should not fight terrorism on the turf of fear, for to do so is to fight it on its own ground. It is not the terrorist who weakens us. It is the fear he instills in us. Fear and democracy are mutually exclusive. Freedom and democracy are our turf. Fear will disappear if we become and continue to be actively engaged as citizens. Here, it is very important to understand that if you are only a spectator in our civil society, you will naturally be more fearful. Therefore, engagement and involvement are our best antidotes to fear.

If engagement and involvement are our best antidotes to fear, we must also make sure that our engagement is knowledgeable. We must work to eliminate ignorance and be informed about the motives of those who threaten our freedoms. To become knowledgeable, we need to be willing to engage in an appreciative inquiry about our enemies so that we understand the driving

forces behind their acts. Only after engaging in such an inquiry can we get beyond treating the symptoms of these threats to our freedom and attack its root causes.

Involvement also requires that we eliminate indifferent attitudes toward our freedoms. Freedom is not what Kris Kristofferson and Fred Forster said it was in the song *Me and Bobby McGhee*—“just another word for nothing left to lose.” It is just the opposite—it is having everything to lose. An indifferent nation is one that is in danger of losing its freedoms. Here it is important to note that an engaged citizenry will not permit the centers of power to get too remote from the people. When we are indifferent, this can and will happen. There are even forces that want an indifferent citizenry so that they can act without the encumbrance of being responsive to the people. It is important to understand that the rich fabric of our democratic society is composed of the institutions that nourish our appreciation of freedom. Indifference can cause these institutions or civic sites to wither and die and with them our freedom. To reap the benefits of freedom, we must be willing to undergo the commitment, effort, and fatigue of supporting the institutions that make those freedoms possible.

Moreover, it is these institutions and civic sites of a democratic society that make it possible for us to converse with each other and, in a democracy, it is key to remember that citizens must feel free to talk with each other. When I say that in a democracy citizens talk to each other—this also means being able to listen to the voices of dissent. Here we must be careful not to follow those who confuse dissent with disloyalty. The purpose of freedom of speech is not to just indulge those who want to speak their minds; it is to prevent error and to discover truth. As William Allen White said:

You can have neither wise laws nor free enforcement of wise laws unless there is free expression of the wisdom of the people—and alas, their folly with it. But if there is freedom, folly will die of its own poison, and wisdom will survive.

So then what does all of this have to do with 750 Scandinavians gathered here to celebrate Thanksgiving and our heritage? It has everything to do with us. Our heritage is one of an active, engaged, and informed people. We have a history of being involved. We are not an insular people; we are concerned about the broader community and know that if we contribute to the strength of that broader community and make it strong, we too are stronger. We care about our neighbors—who they are and what they have to say.

While these attributes definitely are not unique to us, they are an important part of our past and who we are today. Therefore, as we face our generation's challenge to preserve the freedoms that have been passed down to us from previous generations, let us be thankful for these freedoms, thankful for a heritage that values them, thankful for a heritage that instills in us the attributes necessary to be good stewards of these freedoms. Let us all be thankful that we live in a country that is governed by the rule of law, not by the situational ethics and whims of men.

Let us pledge to use the best attributes of this heritage to keep our freedoms intact. If we do so, then when the next generation of our country's school children is confronted with a public official who is bold enough to make a ridiculous statement similar to the one I made, those students will have sufficient confidence in their freedom to laugh out loud at the statement—to speak up and to say “the emperor has no clothes.”