

Remarks Of Warren E. Burger, Chief Justice Of The United States, At The Dedication Of The Norton Clapp Law Center

University of Puget Sound School of Law
Tacoma, Washington
September 13, 1980

Thirty-five years ago the American historian, Henry Steele Commager, wrote that: "Nothing in all history succeeded like America." He was not speaking simply of the success of our unique political experiment or of our remarkable productivity, wealth, and material prosperity, but more of the flowering of the human spirit under the system of freedom that we established two centuries ago.

Why was this so? The real meaning can be understood better as we see oppressed people in all parts of the world making a beaten path to our shores—the "Boat People" of Vietnam and Cambodia, and the newer "Boat People" from Cuba. And now, just weeks ago, the world has witnessed again the unquenchable hunger of people for freedom. With the Soviet Union's tanks and troops still in Polish memories, hundreds of thousands of Poles risked their lives for just a few of the freedoms we take for granted.

It would be rash to predict what this means, but it is surely one of the great events of 1980 and perhaps the Communist world will discover that freedom is contagious. It cannot be long fenced in. It spreads like a forest fire. It can be denied for a while, but then—like your Mount St. Helens—it erupts. Central to all of the struggles 200 years ago, and those today, was and is the insatiable human hunger for freedom.

My blunt message today is that our freedoms are in jeopardy. But this is not the first time that it has happened. Each time they were threatened, we managed, one way or another, to overcome.

Look back with me now on those two hundred years.

Thinly spread over the eastern seaboard of our continent, there were then approximately three million people. Not long before that, the continent was almost a total wilderness inhabited only by native Indians.

In 1776 and 1787, America had little or no tradition or background of culture, no old castles, no palaces, no museums, no art galleries, and little of organized education. The greatest resource of America at that time was the hearty people who had left Europe to seek religious and political freedom, and, in a larger sense, the opportunities that flowed from those freedoms. The hunger of people for freedom, and for opportunity, was the common denominator.

Ancient Athens and Rome had freedom of a sort, but it was freedom for the elite. China and Russia at that time had centuries of rich culture behind them. China had five or six thousand years of cultural background. But we had something new. We had something entirely new—a freedom that reached all except those who were in the bonds of slavery. Standing alone, the Declaration of Independence and the Constitution could not create a cohesive society or a government. They could only point the way and declare the unarticulated hopes and dreams that people had cherished for centuries. But the Constitution, and the Bill of Rights, gave meaning to a kind of freedom often dreamed of before but never seen anywhere in the world.

In the century that followed, immigrants poured to our shores from virtually every country in Europe and some came from Asia. Never before or since in all history had there been such a mass movement of so many different peoples from so many different cultures and backgrounds to form a single nation. Philosophers of that day expressed doubts that this heterogeneous mass of people could ever form a workable political union or a cohesive society that could provide effective government and still preserve individual freedom. To accomplish that was contrary to all history.

The one dominant, pervasive, enduring factor that had never before been witnessed on such a scale was the energizing, animating spirit of freedom—a freedom that unleashed the energies and latent talents of people, not just the elite but the ordinary people, and motivated them to seek a better life. These ordinary people, under inspired leadership, then proceeded to make this country, in the short span of two hundred years, a great world power. How did this happen?

To say that this was a new kind of freedom never known before is not enough. It bears repeating that what was unique was that this new freedom released the creative and dynamic energies of even the most ordinary of people. It is not too much

to analogize that experience to the energy released when we first learned to split the atom. How else can we account for the prodigious accomplishments, both individual and collective, witnessed in this short period of two centuries, overtaking the ancient civilizations that had flourished long before?

Freedom flowered in all of its manifestations in factories, farms, railroads, universities, poetry, plays, and the arts. What is important to remember is that our system, with the novel separation of delegated and coequal powers, has protected the freedoms that produce these unparalleled fruits. The older societies, China and Russia, for example, with all the great background they had and the values they possessed, have not matched the growth and development of what was launched on the eastern seaboard in so short a time as we measure history. The opportunity that flowed from this new kind of freedom provided individual and mass motivation to achieve. The natural resources that were available to us were, of course, very important. But China, Russia, and others had, and still have, similar vast resources. They too had, as we had, and as we have today, people of great industry, talent, energy, and ability. But no other country in all history combined the natural resources and the industry of people motivated by freedom—the new kind of freedom that was introduced in America in 1776. That freedom generated inventiveness, optimism, willingness to take risks, and willingness to make sacrifices for the future. It was this combination of energizing elements that enabled an amazing mixture of people of conflicting ideologies and diverse origins to produce what is today one of the most productive nations on earth. And, up to now, those freedoms have been maintained.

Let me give you just three examples of men inspired and energized by this new freedom, and indulge me for drawing on my native state of Minnesota for this purpose—although one of these men has close links with your great state.

One of these men, an immigrant from Canada, settled in Minnesota. First, he had a small coal yard on a spur track of a railroad. He then became interested in transportation and built a small railroad. He developed it finally into, what was then, the world's greatest railway system. That system is now the Burlington Northern. That man was James J. Hill.

Another immigrant came from the working classes of Birmingham, England. By the processes of that day he studied as an apprentice to a doctor. He became a physician and later he

and his two sons, Will and Charles Mayo, founded the Mayo Clinic, which is today, beyond all question, the world's greatest center for medical education, research, and patient care.

The third man was an immigrant from Germany. He had only an elementary education. He worked in a sawmill in Illinois. He acquired his own sawmill and later moved to Minnesota and on to the Pacific Coast to develop the world's largest private lumber-producing company. Minnesota is proud to share this man with the state of Washington. His name: Frederick Weyerhaeuser.

Every state in this Union can point to men like Hill, the Mayo brothers, and Frederick Weyerhaeuser, who, because of the opportunities offered by this new kind of freedom, were able to develop their talents to the highest degree.

In my boyhood, these remarkable achievers, and others in our Minnesota history, were constantly spoken of by our parents and our teachers. How many of these men do you think would be remembered today if they had stayed in their native countries lacking the freedoms, the opportunities, and the incentives that our system provides?

The Declaration of Independence and the Constitution were only promises of freedom, of ideals declared, and of hopes for the future. It took people and leaders of courage, determination, and imagination to make that system work. But we can never regard our freedoms or our system as totally secure. They are being challenged today—challenged from outside and challenged even from within—and often eroded by well-meaning people.

There is one thing more: freedom without order and accountability for its use can lead to anarchy and destruction of those freedoms. In just the past dozen years, we have come to see that power flowing from our freedoms without accountability can be destructive. As our public leaders must be accountable, business leaders must be accountable, labor leaders must be accountable, teachers must be accountable, students must be accountable, and those who control the great and powerful means of communication in this country must be accountable. No one who exercises the powers that flow from freedom can be exempt from accountability for the use of freedom.

I have referred to the Chinese civilization and culture which has existed for thousands of years as compared with our few centuries. In the language of China, the word "crisis" consists of two characters; one means "danger" and the other means

“opportunity.” We are exposed to real danger at the present time, as we have been for all of the span of our national existence, but with that danger there is opportunity.

In the creation of these freedoms and in the struggle to maintain them, most of the founding fathers were lawyers. Most of the men and women of the legal profession since that time have played, as they always should play, a major role in protecting the values of freedom. Your school of law must and will produce leaders who will shape, perfect, and protect these freedoms. That is your opportunity.

And so, as you dedicate this building today, we should also remember, splendid as it is, that it is merely a shelter and a shell. Far more important are the men, women, faculty, students, and the spirit of dedication—your dedication—to freedom with accountability for the use of that freedom. This school will have an important role in the future of the great Pacific Northwest in this period of crisis—of danger with opportunity. Make the most of this splendid gift of the Norton Clapp Law Center.