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Freedom and Obligation—2016 Commencement Address

Clarence Thomas

Associate Justice, Supreme Court of the United States



CLARENCE THOMAS is an associate justice of the Supreme Court of the United States. Born in Pinpoint, Georgia, he is a graduate of the College of the Holy Cross and Yale Law School. Prior to his nomination to the Supreme Court in 1991, he served as an assistant attorney general of Missouri, an attorney with the Monsanto Company, a legislative assistant to U.S. Senator John Danforth, assistant secretary for civil rights at the U.S. Department of Education, chairman of the U.S. Equal Opportunity Commission, and a judge of the United States Court of Appeals for the District of Columbia Circuit. In 2007, he published *My Grandfather's Son: A Memoir*.

The following is adapted from a speech delivered on May 14, 2016, at Hillsdale College's 164th Commencement ceremony.

President Arnn, members of the board of trustees, assembled faculty, families and friends, and, most important, members of the Hillsdale College Class of 2016, I am both honored and grateful to participate in these commencement exercises. It has been some years since my wife Virginia and I have been to Hillsdale together. Of course we have known Dr. and Mrs. Arnn for many, many years, and we have been quite close to Hillsdale throughout his tenure. We admire the work that is being done here to educate young men and women—one of whom, Hillsdale graduate David Morrell, a wonderful young man, served as one of my law clerks a few years back.

This has been a most difficult term at the Court. The difficulty is underscored by the sudden and tragic passing of my colleague and friend, Justice Antonin Scalia.

I think it is fitting to say a few words about him. Many will focus on his intellect and his legal prowess. I do not demur on either count. But there is so much more than that. When I think of Justice Scalia, I think of the good man who I could instinctively trust during my first days on the Court. He was, in the tradition of the South of my youth, a man of his word, a man of character. Over the almost 25 years that we were together on the Court, I think we made it a better place for each other. I know that he did for me. He was kind to me when it mattered most. He is, and will be, sorely missed.

As the years since I attended college edge toward a half century, I feel a bit out of place talking with college students or recent graduates. So much has changed since I left college in 1971. Things that were considered firm have long since lost their vitality, and much that seemed inconceivable is now firmly or universally established. Hallmarks of my youth, such as patriotism and religion, seem more like outliers, if not afterthoughts. So in a sense, I feel woefully out of place speaking at commencement ceremonies. My words will perhaps seem somewhat vintage in character rather than current or up-to-date. In that context, I admit to being unapologetically Catholic, unapologetically patriotic, and unapologetically a constitutionalist.

In my youth, we had a small farm. I am convinced that the time I spent there had much to do with my firm resolve never to farm again. Work seemed to spring eternal, like the weeds that

consumed so much of our time and efforts. One of the messages constantly conveyed in those days was our obligation to take care of the land and to use it to produce food for ourselves and for others. If there was to be independence, self-sufficiency, or freedom, then we first had to understand, accept, and discharge our responsibilities. The latter were the necessary (but not always sufficient) antecedents or precursors of the former. The only guarantee was that if you did not discharge your responsibilities, there could be no independence, no self-sufficiency, and no freedom.

In a broader context, we were obligated in our neighborhood to be good neighbors so that the neighborhood would thrive. Whether there was to be a clean, thriving neighborhood was directly connected to our efforts. So there was always, to our way of thinking, a connection between the things we valued most and our personal obligations or efforts.

There could be no freedom without each of us discharging our responsibilities. When we heard the words duty, honor, and country, no more needed to be said. But that is a bygone era. Today, we rarely hear of our personal responsibilities in discussions of broad notions such as freedom or liberty. It is as though freedom and liberty exist wholly independent of anything we do, as if they are predestined.

Related to this, our era is one in which different treatment or different outcomes are inherently suspect. It is all too commonly thought that we all deserve the same reward or the same status, notwithstanding the differences in our

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[Latin]: in the first place

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efforts or in our abilities. This is why we hear so often about what is deserved or who is entitled. By this way of thinking, the student who treats spring break like a seven-day bacchanalia is entitled to the same success as the conscientious classmate who works and studies while he plays. And isn't this same sense of entitlement often applied today to freedom?

At the end of the Constitutional Convention in Philadelphia, Benjamin Franklin was asked what the gathering had accomplished. "A republic," he replied, "if you can keep it." Nearly a century later, in a two-minute speech at Gettysburg, President Lincoln spoke similarly. It is for the current generation, he said,

to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

So many who have gone before us have done precisely that, dedicating their lives to preserving and enhancing our nation both in war and in peace, taking care that those who have given the last full measure of devotion have not done so in vain.

Being at Hillsdale College, it is appropriate that we should reflect briefly on our ancestors' understanding of what was to be earned and preserved. America's Founders and many successive generations believed in natural rights. To establish a government based on the consent of the governed, as the Declaration of Independence makes clear, they gave up only that portion of their rights necessary to create a limited government of the kind needed to secure all of their rights. The Founders

then structured that government so that it could not jeopardize the liberty that flowed from natural rights. Even though this liberty is inherent, it is not guaranteed. Indeed, the founding documents of our country are an assertion of this liberty against the King of England—arguably the most powerful man in the world at the time—at the risk of the Founders' lives, fortunes, and sacred honor. Over the lifespan of our great country, many occasions have arisen that required this liberty, and the form of government that ensures it, to be defended if it was to survive.

At the risk of understating what is necessary to preserve liberty and our form of government, I think more and more that it depends on good citizens discharging their daily duties and obligations. Here I resist what seems to be the formulaic or standard fare at commencement exercises—a broad complaint about societal injustice and an exhortation to the young graduates to go out and solve the problem and change the world. Having been a young graduate myself, I think it is hard enough to solve your own problems, which can sometimes seem to defy solution. And in addressing your own obligations and responsibilities in the right way, you actually do an important part on behalf of liberty and free government.

Throughout my youth, even as the contradiction of segregation persisted, we revered the ideals of our great nation. We knew, of course, that our country was flawed, as are all human institutions. But we also knew that our best hope lay in the ideal of liberty. I watched with anguish as so many of the older people in my life groped and stumbled through the darkness of near or total illiteracy. Yet they desperately wanted to learn and gain knowledge, and they understood implicitly how important it was to enjoy the fullness of American citizenship. They had spent an aggregation of lifetimes standing on the edge of the dual citizenship that is at the heart of the 14th Amendment.

During the Second World War, they were willing to fight for the right to die on foreign soil to defend their country, even as their patriotic love went unreciprocated. They returned from that horrific war with dignity to face the indignity of discrimination. Yet the desire persisted to push our nation to live up to its ideals.

I often wondered why my grandparents remained such model citizens, even when our country's failures were so obvious. In the arrogance of my early adult life, I challenged my grandfather and doubted America's ideals. He bluntly asked: "So, where else would you live?" Though not a lettered man, he knew that our constitutional ideals remained our best hope, and that we should work to achieve them rather than undermine them. "Son," he said, "don't throw the baby out with the bath water." That is, don't discard what is precious along with what is tainted.

Today, when it seems that grievance rather than responsibility is the main means of elevation, my grandfather's beliefs may sound odd or discordant. But he and others like him at the time resolved to conduct themselves in a way consistent with America's ideals. They were law-abiding, hardworking, and disciplined. They discharged their responsibilities to their families and neighbors as best they could. They taught us that despite unfair treatment, we were to be good citizens and good people. If we were to have a functioning neighborhood, we first had to be good neighbors. If we were to have a good city, state, and country, we first had to be good citizens. The same went for our school and our church. We were to keep in mind the corporal works of mercy and the great commandment: "Love thy neighbor as thyself." Being wronged by others did not justify reciprocal conduct. Right was right, and two wrongs did not make a right. What we wanted to do did not define what was right—nor, I might add, did our capacious litany of wants define liberty. Rather, what was right defined what we were required to

do and what we were permitted to do. It defined our duties and our responsibilities. Whether those duties meant cutting our neighbor's lawn, visiting the sick, feeding the hungry, or going off to war as my brother did, we were to discharge them honorably.

Shortly before his death in 1983, I sought my grandfather's advice about how to weather the first wave of harsh criticism directed at me, which I admit had somewhat unnerved me. His response was simple: "Son, you have to stand up for what you believe in." To him, that was my obligation, my duty. Perhaps it is at times like that—when you lack strength and courage—that the clarity of our obligation supplies both: duty, honor, country.

As I admitted at the outset, I am of a different time. I knew no one, for example, who was surprised at President Kennedy's famous exhortation in his 1961 Inaugural Address: "Ask not what your country can do for you—ask what you can do for your country." That sentiment was as common as saying the Pledge of Allegiance or singing the National Anthem, as pervasive as shopping at Army-Navy surplus stores. Today there is much more focus on our rights and on what we are owed, and much less on our obligations and duties—unless, of course, it is about our duty to submit to some new proposed policy.

My grandfather often reminded us that if we didn't work, we didn't eat, and that if we didn't plant, we couldn't harvest. There is always a relationship between responsibilities and benefits. In agrarian societies, that is more obvious. As society becomes more complex and specialized, it is more difficult to discern. But it is equally true. If you continue to run up charges on your credit card, at some point you reach your credit limit. If you continue to make withdrawals from your savings account, you eventually deplete your funds. Likewise, if we continue to consume the benefits of a free society without replenishing or nourishing that society, we

will eventually deplete that as well. If we are content to let others do the work of replenishing and defending liberty while we consume the benefits, we will someday run out of other people's willingness to sacrifice—or even out of courageous people willing to make the sacrifice.

But this is Hillsdale College, which is like a shining city on a hill. This College, in the words of your mission statement, “considers itself a trustee of a heritage finding its clearest expression in the American experiment of self-government under law.” The very existence of Hillsdale connotes independence, because Hillsdale, like America, was founded on the idea that liberty is an antecedent *of* government, not a benefit *from* government.

Let me offer you, this year's graduates, a few brief suggestions about making your deposits in the account of liberty. Today is just the end of the beginning of your young lives, and the beginning, the commencement of the rest of your lives. There is much more to come, and it will not be with the guiding hands of your parents—indeed, they may someday need your hand to guide them. Some of you will most assuredly be called upon to do very hard things to preserve liberty. All of you will be called upon to provide a firm foundation of citizenship by carrying out your obligations in the way so many preceding generations have done. You are to be the example to others that those generations have been to us. And in being that example, what you do will matter far more than what you say.

As the years have moved swiftly by, I have often reflected on the important citizenship lessons of my life. For the most part, it was the unplanned array of small things. There was the kind gesture from a neighbor. There was my grandmother dividing our dinner because someone showed up unannounced.

There was the stranger stopping to help us get our crops out of the field before a big storm. There were the nuns who believed in us and lived in our neighborhood. There was the librarian who brought books to Mass so that I would not be without reading on the farm. Small gestures such as these become large lessons about how to live our lives. We watched and learned what it means to be a good person, a good neighbor, a good citizen. Who will be watching you? And what will you be teaching them?

After this commencement ceremony ends, I implore you to take a few minutes to thank those who made it possible for you to come this far—your parents, your teachers, your pastor. These are the people who have shown you how to sacrifice for those you love, even when that sacrifice is not always appreciated. As you go through life, try to be a person whose actions teach others how to be better people and better citizens. Reach out to the shy person who is not so popular. Stand up for others when they're being treated unfairly. Take the time to listen to the friend who's having a difficult time. Do not hide your faith and your beliefs under a bushel basket, especially in this world that seems to have gone mad with political correctness. Treat others the way you would like to be treated if you stood in their shoes.

These small lessons become the unplanned syllabus for learning citizenship, and your efforts to live them will help to form the fabric of a civil society and a free and prosperous nation where inherent equality and liberty are inviolable. You are men and women of Hillsdale College, a school that has stood fast on its principles and its traditions at great sacrifice. If you don't lead by example, who will?

I have every faith that you will be a beacon of light for others to follow, like “a city on a hill [that] cannot be hidden.” May God bless each of you now and throughout your lives, and may God bless America. ■



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DID YOU KNOW?

A prayer written in the Bible that was placed inside the 1853 cornerstone of Hillsdale's Central Hall reads: “May earth be better and heaven be richer because of the life and labor of Hillsdale College.”