

On Liberty  
Speech by Justice Thurgood Marshall  
Before  
We the People 2000  
July 4, 1992

ON LIBERTY

BY JUSTICE THURGOOD MARSHALL

PHILADELPHIA, PENNSYLVANIA

JULY 4, 1992

IT IS A PLEASURE TO SPEAK HERE ON THE ANNIVERSARY OF OUR NATION'S INDEPENDENCE. AS SOMEONE WHO RELISHES THE ABILITY TO DO AND SAY WHATEVER I PLEASE, INDEPENDENCE IS A CONCEPT NEAR AND DEAR TO MY HEART!

BECAUSE YOU WERE KIND ENOUGH TO INVITE ME HERE, I'M NOT GOING TO BORE YOU WITH A SPEECH. I'M NOT EVEN GOING TO TELL YOU I'M NOT GOING TO BORE YOU WITH A SPEECH AND THEN PROCEED TO TALK AT YOU FOR 30 MINUTES. WHAT I'D LIKE TO DO IS TO SHARE A FEW STORIES, A FEW ANECDOTES, OF PEOPLE WHO HAVE UNDERSTOOD THE MEANING OF LIBERTY AND STRUGGLED AGAINST THE ODDS TO BECOME FREE. I THINK OF THESE PEOPLE BECAUSE OF THE RISKS THEY HAVE TAKEN AND THE COURAGE THEY HAVE DISPLAYED. I VALUE THEM NOT ONLY BECAUSE OF THE KIND OF PEOPLE THEY WERE BUT BECAUSE OF THE KIND OF NATION THEY INSISTED THAT WE BECOME. I RESPECT THEM NOT BECAUSE OF THE INFLUENCE THEY WIELDED BUT BECAUSE OF THE POWER THEY SEIZED.

IT IS USEFUL, I THINK, TO RECALL THEIR STORIES NOT TO DWELL ON THE PAST, BUT TO SEE CONCRETE EVIDENCE OF WHAT WAS IN ORDER TO GAIN INSPIRATION FOR WHAT CAN BE.

DO YOU REMEMBER HEMAN SWEATT? HE WAS AN ORDINARY MAN WHO HAD AN EXTRAORDINARY DREAM: TO LIVE IN A WORLD IN WHICH AFRO-AMERICANS AND WHITES, ALIKE, WERE AFFORDED EQUAL OPPORTUNITY TO SHARPEN THEIR MINDS AND TO HONE THEIR SKILLS. UNFORTUNATELY, OFFICIALS AT THE UNIVERSITY OF TEXAS LAW SCHOOL DID NOT SHARE HIS VISION. CONSTRAINED BY THE SHACKLES OF PREJUDICE, AND INCAPABLE OF SEEING PEOPLE FOR WHO THEY WERE, THEY DENIED HEMAN SWEATT ADMISSION TO LAW SCHOOL SOLELY BECAUSE HIS COLOR WAS NOT THEIRS. IT WAS A DEVASTATING BLOW, AND A STINGING REJECTION, A PAINFUL REMINDER OF THE CHASM THAT SEPARATES WHITE FROM NEGRO.

BUT HEMAN SWEATT HELD ON TO WHAT RACISM TRIED TO SNUFF OUT: A SENSE OF SELF AND A RECOGNITION OF PLACE, A DETERMINATION TO ATTAIN THE BEST, AND A REFUSAL TO SETTLE FOR ANYTHING LESS. HEMAN SWEATT KNEW WHAT WHITE

SEGREGATIONISTS TRIED TO FORGET: THAT NONE OF US, AFRO, WHITE OR BLUE, WILL EVER REST UNTIL WE ARE ALL TRULY FREE.

HEMAN SWEATT DID NOT PURSUE LIBERTY ALONE. JUST A FEW YEARS EARLIER, A COUPLE NAMED SHELLEY TRIED TO DO WHAT WHITE AMERICA HAD DONE FOR YEARS -- LIVE IN THE NEIGHBORHOOD OF THEIR CHOICE. BUT TO WHITE HOMEOWNERS IN MISSOURI, SUCH AUDACITY WAS TOO THREATENING TO BE TOLERATED; IN THEIR VIEW, WHITES BELONGED IN ONE WORLD, NEGROES IN ANOTHER. THEY COULD NOT SEE THE SIMILARITIES THAT LINKED THEM TO THE SHELLEYS: THE COMMON DESIRE TO EARN A LIVING, TO RAISE CHILDREN, TO OWN AND CARE FOR A HOME. THEY SAW ONLY DIFFERENCE. I GUESS TO THEM, IF THE UNITED STATES WAS INDEED A MELTING POT, THEN NEGROES EITHER DIDN'T GET IN THE POT OR THEY DIDN'T GET MELTED DOWN!

WHATEVER THE REASON FOR THEIR MYOPIC VISION, THE SHELLEYS WERE FORCED TO DO WHAT NEGROES HAVE HAD TO DO FOR YEARS: USE THE ONLY WEAPON THEY HAD--THEIR RIGHT TO A DAY IN COURT--TO GAIN THE RIGHTS TO WHICH THEY WERE CONSTITUTIONALLY ENTITLED. FORTUNATELY, FOR OUR HISTORY, THE SHELLEYS WON

THEIR SUIT, BUT EVEN IF THEY HAD LOST, THEY WOULD HAVE KNOWN MORE FREEDOM THAN THE WHITES WHO TRIED TO SHUT THEM OUT WOULD EVER KNOW. RACISM SEPARATES, BUT IT NEVER LIBERATES. HATRED GENERATES FEAR, AND FEAR, ONCE GIVEN A FOOTHOLD, BINDS, CONSUMES, AND IMPRISONS. NOTHING IS GAINED FROM PREJUDICE. NO ONE BENEFITS FROM RACISM.

AS I THINK BACK ON THESE COURAGEOUS PEOPLE WHO CAME BEFORE, I WONDER WHAT BECAME OF THE CHALLENGE THE SWEATT'S AND THE SHELLEY'S PROVIDED. THEY WORKED FOR LIBERTY. THEY FOUGHT FOR FREEDOM. THEY INSISTED UPON JUSTICE. THEY WERE OPTIMISTIC, AS I WAS, THAT RACIAL INTERACTION WOULD BREED UNDERSTANDING, AND THAT UNDERSTANDING, IN TURN, WOULD PRODUCE HEALING AND REDEMPTION. THEY WERE HOPEFUL, AS I WAS, THAT OVER TIME, AMERICA WOULD GROW TOWARD JUSTICE AND EXPAND TOWARD EQUALITY. HAD I THOUGHT IN THE WAKE OF SMITH V. ALLWRIGHT AND SHELLEY V. KRAEMER AND BROWN V. BOARD OF EDUCATION THAT I WOULD BE GIVING A TALK NOW ON THE ANNIVERSARY OF OUR NATION'S INDEPENDENCE, I WOULD HAVE

PREDICTED THAT I WOULD HAVE SPOKEN WITH MUCH PRIDE AND OPTIMISM OF THE ENORMOUS PROGRESS THIS NATION HAD MADE.

BUT AS I SURVEY THE WORLD HEMAN SWEATT AND THE SHELLEYS LEFT BEHIND, I WISH I COULD SAY THAT RACISM AND PREJUDICE WERE ONLY DISTANT MEMORIES. I WISH I COULD SAY THAT THIS NATION HAD TRAVELED FAR ALONG THE ROAD TO SOCIAL JUSTICE, AND THAT LIBERTY AND EQUALITY WERE JUST AROUND THE BEND. I WISH I COULD SAY THAT AMERICA HAS COME TO APPRECIATE DIVERSITY AND TO SEE AND ACCEPT SIMILARITY.

BUT AS I LOOK AROUND, I SEE NOT A NATION OF UNITY BUT OF DIVISION -- AFRO AND WHITE, INDIGENOUS AND IMMIGRANT, RICH AND POOR, EDUCATED AND ILLITERATE. EVEN MANY EDUCATED WHITES AND SUCCESSFUL NEGROES HAVE GIVEN UP ON INTEGRATION AND LOST HOPE IN EQUALITY. THEY SEE NOTHING IN COMMON--EXCEPT THE NEED TO FLEE AS FAST AS THEY CAN FROM OUR INNER CITIES. A PULLMAN PORTER ONCE TOLD ME THAT HE HAD NEVER BEEN ANY PLACE IN THE UNITED STATES WHERE HE DID NOT HAVE TO PUT HIS HAND UP IN FRONT OF HIS FACE TO DISCOVER HE WAS A NEGRO. I AM AFRAID THE PORTER'S EXPERIENCE IS STILL TRUE.

BUT THERE IS A PRICE TO BE PAID FOR DIVISION AND ISOLATION, AS RECENT EVENTS IN CALIFORNIA INDICATE. LOOK AROUND. CAN'T YOU SEE THE TENSION IN WATTS? CAN'T YOU FEEL THE FEAR IN SCARSDALE? CAN'T YOU SENSE THE ALIENATION IN SIMI VALLEY? THE DESPAIR IN THE SOUTH BRONX? THE RAGE IN BROOKLYN?

WE CANNOT PLAY OSTRICH. DEMOCRACY CANNOT FLOURISH AMID FEAR. LIBERTY CANNOT BLOOM AMID HATE. JUSTICE CANNOT TAKE ROOT AMID RAGE. AMERICA MUST GET TO WORK. IN THE CHILL CLIMATE IN WHICH WE LIVE, WE MUST GO AGAINST THE PREVAILING WIND. WE MUST DISSENT FROM THE INDIFFERENCE. WE MUST DISSENT FROM THE APATHY. WE MUST DISSENT FROM THE FEAR, THE HATRED AND THE MISTRUST. WE MUST DISSENT FROM A NATION THAT HAS BURIED ITS HEAD IN THE SAND, WAITING IN VAIN FOR THE NEEDS OF ITS POOR, ITS ELDERLY, AND ITS SICK TO DISAPPEAR. WE MUST DISSENT FROM A GOVERNMENT THAT HAS LEFT ITS YOUNG WITHOUT JOBS, EDUCATION, OR HOPE. WE MUST DISSENT FROM THE POVERTY OF VISION AND THE ABSENCE OF MORAL

LEADERSHIP. WE MUST DISSENT BECAUSE AMERICA CAN DO BETTER,  
BECAUSE AMERICA HAS NO CHOICE BUT TO DO BETTER.

THE LEGAL SYSTEM CAN FORCE OPEN DOORS, AND SOMETIMES,  
EVEN KNOCK DOWN WALLS. BUT IT CANNOT BUILD BRIDGES. THAT  
JOB BELONGS TO YOU AND ME. AFRO AND WHITE, RICH AND POOR,  
EDUCATED AND ILLITERATE, OUR FATES ARE BOUND TOGETHER. WE  
CAN RUN FROM EACH OTHER, BUT WE CANNOT ESCAPE EACH OTHER.  
WE WILL ONLY ATTAIN FREEDOM IF WE LEARN TO APPRECIATE WHAT  
IS DIFFERENT AND MUSTER THE COURAGE TO DISCOVER WHAT IS  
FUNDAMENTALLY THE SAME. AMERICA'S DIVERSITY OFFERS SO MUCH  
RICHNESS AND OPPORTUNITY. TAKE A CHANCE, WON'T YOU? KNOCK  
DOWN THE FENCES THAT DIVIDE. TEAR APART THE WALLS THAT  
IMPRISON. REACH OUT; FREEDOM LIES JUST ON THE OTHER SIDE.

THANK YOU.