

## Holiday Season, 2005 Stan Stahl, Ph.D.

On May 21, 1944, with the outcome of the Second World War very much in doubt a vast "I Am an American Day" ceremony was held in Central Park, New York City. Thousands of people were present, including a large number of new citizens.

Speaking at the event was Learned Hand, a judge of the United States Court of Appeals for the Second Circuit. Judge Hand was regarded by many as the most distinguished American legal mind of his generation, in many ways the intellectual heir of Oliver Wendell Holmes.

Learned Hand's brief address was so eloquent and so moving that the text immediately became the object of wide demand. It was quickly printed and reprinted, and also put into anthologies, which is where I first discovered it.

I am pleased to share Judge Hand's address with you during this Holiday Season of 2005. In this season of giving, Judge Hand has given us all the gift of his great wisdom.

Judge Hand reminds us that the spirit of liberty lies not in the law, but "in the hearts of men and women," that liberty is the spirit which is "not too sure that it is right" and which, therefore, "seeks to understand the mind of other men and women."

In that spirit, Rita, Cody & I want to wish you and your loved ones a happy holiday season along with a healthy, peaceful and prosperous 2006. May the year 2006 bring us all closer to the day when the bells of freedom ring for all of our brothers and sisters throughout the world.

### *The Spirit of Liberty Judge Learned Hand*

We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land.

What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning.

What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it

dies there, no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it.

And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded.

The spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned but never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest.

And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.

*I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands—one nation indivisible, with liberty and justice for all.*