

# **The Spirit of Liberty**

## ***Judge Learned Hand***

### ***New York City, 1944***

*Learned Hand is often considered the greatest American judge to never sit on the Supreme Court. For more than 50 years, he served as a federal judge, most of the time on the U.S. Court of Appeals in New York. Hand gained acclaim for a speech on "The Spirit of Liberty," delivered in 1944 in New York's Central Park, where 1.5 million people gathered for an event billed as "I Am an American Day." Hand specifically addressed his remarks to 150,000 newly naturalized citizens.*

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; freedoms 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; no, 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.

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**Ella Baker**  
**Quoted in *Moving the Mountain:***  
***Women Working for Social Change***  
**Published 1980**

*Ella Baker was an American community organizer and political activist who brought her skills and principles to bear in the founding of major civil rights organizations of the mid-20th century. She is widely recognized as one of the key leaders of the American civil rights movement. Her influence was reflected in the nickname she acquired: "Fundu," a Swahili word meaning a person who teaches a craft to the next generation. Here is an excerpt from an interview in 1980, as Baker neared the end of her life.*

First, there is a prerequisite: the recognition on the part of the established powers that people have a right to participate in the decisions that affect their lives. And it doesn't matter whether those decisions have to do with schools or housing or some other aspect of their lives. There is a corollary to this prerequisite: the citizens themselves must be conscious of the fact that this is their right. Then comes the question, how do you reach people if they aren't already conscious of this right? And how do you break down resistance on the part of powers that be toward citizens becoming

participants in decision making?

I don't have any cut pattern, except that I believe that people, when informed about the things they are concerned with, will find a way to react.

Now, whether their reactions are the most desirable at a given stage depends, to a large extent, upon whether the people who are in the controlling seat are open enough to permit people to react according to the way they see the situation. In organizing a community, you start with people where they are.

You didn't see me on television, you didn't see news stories about me. The kind of role I tried to play was to pick up pieces or put together pieces out of which I hoped organization might come. My theory is, strong people don't need strong leaders.

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