

Robert C. Byrd Forum on Civic Responsibility

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I am pleased to be able to deliver this talk on the theme of Civic Responsibility in recognition of Constitution Week and also in recognition of our namesake, the Great Chief Justice John Marshall. September 17 is, of course, Constitution Day, the anniversary of the signing of the document in 1789, and September 24 is the birthday of John Marshall. This year marks the 230th anniversary of the signing of the Constitution and the 262nd anniversary of John Marshall's birth.

John Marshall is very strongly tied to the Constitution as is the late Senator Robert C. Byrd. In 2004, Senator Byrd wrote language in the Consolidated Appropriations Act of Fiscal Year 2005 designating September 17th of each year as Constitution Day, and requiring all institutions receiving federal funds to have an educational program about the Constitution or risk losing their federal funds. Senator Byrd was very serious about the Constitution, as was John Marshall, who helped write much of the early interpretation of it and defined the judicial branch.

I want to diverge just a minute and speak about individuals who have been instrumental in the shaping of this nation. Not one of them was perfect. Let me repeat, not one of them was perfect. And we should remember that all of us have flaws and imperfections.

Recent events around monuments have brought into question some of our founding fathers, including John Marshall and George Washington. Any flaws that surround these two men, both of whom I greatly admire, do not take away from the tremendous impact they had on giving us the government we enjoy today, based on our Constitution. Many people are trying to apply today's standards to Washington, Marshall and others, and it just doesn't work that way.

Now back to the topic of the Constitution and the concept of Civic Responsibility as it relates to the U.S. Constitution. There are probably various degrees of Civic Responsibility and I want to speak on the highest level of responsibility, the gold standard if you will.

The U.S. Constitution is the most significant framework for a government that has ever been written. It was written by men who knew that to get approval, they had to compromise and put into it language that would satisfy many different interests. They knew that if they abolished slavery in the document, it would not pass. However, they also knew that someday slavery would be abolished because the ideals on which America was founded could not tolerate it.

Let's reflect together on the Declaration of Independence as the precursor to the Constitution. The ideals expressed in the Declaration by Thomas Jefferson are ideals that define our nation and what we would look to as the lofty ideas that help define our country. It is thought that Chief Justice Warren Burger once said, "The Declaration of Independence was the promise; the Constitution was the fulfillment."

So I want to read from the second paragraph of Mr. Jefferson's Declaration: "WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness ----- That to secure

these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed ...”

Life, Liberty, Pursuit of Happiness, and Consent of the Governed.

The Constitution in the preamble states: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

More perfect union, Justice, domestic tranquility, common defense, general welfare, blessing of liberty.

The Constitution became effective in 1788. And then in 1791 the first 10 amendments, the Bill of Rights written by James Madison, were ratified and added to the Constitution.

The first amendment is certainly a very important one. It reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

No state religion, no prohibition of the right to participate in religion, free speech, free press, peaceably assemble, and petition the redress of grievances by the Government.

I want to cite an example of a dilemma and a teaching moment I experienced during my first semester as President. We were in the middle of the presidential campaign and some Trump supporters came through campus one night and wrote these words on the sidewalks in a number of places: “Trump 2016: Build a Wall.”

Let me say that there is no campus policy on restrictions on what can be written on the sidewalks of our campus and students often place messages there. Some of our students were demanding that I have them removed because they were

severely offended by those words. I must say that I personally did not agree with the words and did not like that someone had written them, for many of the same reasons the students expressed.

But I went back in my mind to the words that I have just spoken: life, liberty, pursuit of happiness—and more importantly—no abridging of free speech. I told the students that the First Amendment guarantees the right of people to be able to express their thoughts, however offensive it may be to us. I do not think that that particular expression was respectful of the students of our campus and I would advocate against people expressing such thoughts, but I will not use the office of the president to mandate my version of morality. I may advise students not to say or write hurtful or unkind things but I will not prohibit such actions. To do so would be censorship.

I recently wrote an op-ed in the Charleston paper, the Gazette-Mail, expressing outrage with the hate groups that came to campus and provoked violence. Here is part of what I wrote:

“The First Amendment to the U.S. Constitution guarantees us free speech and the right to freely express our opinions. That is a right we must continue to protect and one that requires we avoid censorship on college campuses, even when we strongly disagree with an opinion. We should teach our college students that being passionate about an issue is great but that we should never let our passion provoke anger or animosity toward someone holding an opposing view.”

We must speak out against hatred and violence, and show that brotherly love can conquer hatred, even hatred as vile as that espoused by neo-Nazi groups, white supremacists and the Ku Klux Klan.”

My argument to you today is that the gold standard of Civic Responsibility in America dictates that we exhibit behavior that would promote the ideals established in the Declaration of Independence and the U.S. Constitution. That would, of course, presuppose that we are an active voter and that we participate in some manner in our local, state and national

government, even if, at the very least, it means we take time to educate ourselves on the issues of the day.

But let's talk about appropriate behaviors as citizens of these United States. Appropriate in that it would be consistent with the ideals of the Constitution and the Declaration of Independence.

In particular, I want to talk about civility, respect, blessings of liberty, pursuit of happiness and tolerance. It is often useful to talk about things that would be contrary to these notions. So here are some things that are contrary to civility, respect, blessings of liberty, pursuit of happiness, and tolerance:

Evil, hate, violence, theft, wickedness, anger, bullying, yelling and/or cursing, exclusion, notion of superiority or supremacy, incivility, rudeness, dominance, censorship

We must exhibit civility towards our fellow man or woman to fully live out the principles set forth in the Constitution. Incivility and anger directed at an individual treads on others' pursuit of

happiness. It may not be illegal behavior but it violates the ideals of the Constitution.

In America, we don't have to agree with other. We can and should respectfully disagree on matters that we don't see eye-to-eye on.

Respect for one another means tolerance of other views, even when they are in conflict with ours. A natural human response to an extreme position, either right or left, is often to respond in anger and a desire to stamp out, or even suppress, that particular position. But our First Amendment tells us that in America you have a right to have that position. But you cannot force that position on someone against their will.

I told our students in a Parthenon editorial at the beginning of the semester that it is great to be passionate about a subject, but it is not acceptable to respond in anger to someone with whom you strongly disagree. Civility is a higher calling than shouting or fist shaking or threatening. Civility is consistent with an educated and enlightened citizen—a citizen who values justice and respect and freedom for all.

I was taught as a young child that it was okay to hate a person's actions but not to hate the person. That thought has stuck with me as part of my faith and has given me the ability to not judge individuals too harshly. I can hate violence, I can hate hatred, I can hate evil. But I can't bring myself to hate the person. I can severely dislike the person and not want to be around the individual, but I cannot hate the person. To hate the person is to put myself on the same level as those who promote evil behavior.

In my Gazette-Mail op-ed, I reference a radio program, "Snap Judgment," I heard this past spring while I was driving back to Huntington on I-64. It was a piece that grabbed my attention and pulled me in. I could not stop listening because I had to know how the story ended. It was a story that started with hatred and prejudice. It was the story of a rabbi and a grand wizard of the Ku Klux Klan and it was titled "The Rabbi and the KKK."

I tell you this story to tell you about the gold standard of Civic Responsibility, the ability not to return hate to hate or evil to

evil. It is a story of respect for the humanness of a person, even when the person holds some pretty evil and disgusting views.

During the radio piece, Rabbi Michael Weisser tells the story of moving to Nebraska from New York and being almost immediately threatened by a grand dragon in the KKK. The white supremacist Larry Trapp calls the rabbi's home phone and says, "You will be sorry you ever moved into that house, you Jew boy."

The rabbi eventually figures out who the person is and starts calling *him*. He called every Thursday and left Larry a short message.

One day after several months, Larry picks up the phone and says, "Why are you harassing me? What do you want?" The rabbi says, "Since you are disabled, I was wondering if you needed a ride to the grocery store.

Complete silence. And then Larry says, "I have that covered."

The rabbi goes on calling Larry every Thursday.

After several months of this, Larry calls the rabbi and says he needs help getting out of this. The rabbi eventually arranges to meet in Larry's home to talk with him. When the rabbi gets there, Larry opens the door, and in Larry's lap is a Mac 10 and a sawed off shotgun hanging on the side of the wheelchair.

The rabbi is stunned and not knowing what to do, he reaches out and shakes Larry's hand. Larry breaks down crying and starts handing the rabbi the KKK rings from his fingers.

Larry becomes friends with the rabbi and begins a journey of redemption during which he calls everyone he has threatened or hurt and apologizes over a period of nine months or so. He actually ends up living with the rabbi and converting to Judaism.

Larry said he had a miracle in his life and it was due to Judaism. Larry died in the rabbi's home and the rabbi says that he was like a member of the family and well-loved. It was a miracle of love winning over hate.

Telling you that story was to make the point that a non-confrontational approach to people with extreme views is the best. Another example is the non-violent approach taken by Dr. King in the Civil Rights movement. By being passive and not fighting back, he and his followers exposed the racism and brutality as innocent blacks were beaten by Billy clubs in the Deep South.

Our Civic Responsibility is to respect other people and to conduct ourselves in a civil manner. I often speak about the Marshall Creed, which talks about Marshall University being a place where all views and people are welcome and respected.

The Creed speaks of ethical responsibility, of being an open community, a pluralistic community, a socially conscious community and a judicious community. It shows that living a meaningful life involves more than just looking out for our own self interests. It goes beyond the Constitution which frames the foundation of our government and our universal rights and talks about desirable behavior.

During my remarks at my Investiture at this time last fall, I added some additional phrases to the Creed to characterize who we are at Marshall. I will end with those phrases now.

Listen as I describe who we should aspire to be at Marshall:

- We are seekers of truth, not people who tolerate lies and injustice.
- We are lifetime learners, not complacent graduates.
- We are readers and thinkers, not blind followers of rhetoric.
- We embrace the light; we are not ones who hide in darkness.
- We turn the cheek; we don't return violence.
- We surround ourselves with diversity; we don't shut out people because they are different.
- We help find solutions; we don't contribute to problems.
- We are defenders of justice, not ones who shrink from challenges.
- We speak up for those without voices; we are not ones who sit in silence.

- We share what we have; we do not hold greedily on to what is ours.
- We love knowledge; we are not afraid of new ideas.
- We look to the future with hope; we do not dread the worst.
- We know we will succeed; we are not fearful of failing.
- We are destined for greatness. We are the sons and daughters of Marshall.

I think our Civic Responsibility is to be the best person we can possibly be.

Thank you.