

KEYNOTE ADDRESS  
DELIVERED AT THE NATIONAL SECURITY SIMULATION  
THE OHIO STATE UNIVERSITY  
NOVEMBER 18, 2016

In the spring of 1971, when I was a 19 year old sophomore majoring in Political Science, I enrolled in an honors seminar on Simulation Theory, which was a hot new thing at the time.

It was taught by two graduate students, one of whom, a Captain in the Army on his way to teach at West Point, was trying to create a man-machine interactive simulation of the national security decision-making process. He called it the National Security Simulation.

By the end of the quarter (yes, we were on quarters then) I had signed on as his research assistant for the final modeling and trial runs.

We tried three times, but the game could not be played. Turned out that the old IBM 360-65 that took up the entire second floor of Baker Hall simply could not be programmed to handle our input. The idea was brilliant, but it was years ahead of its time. All we got out of the project was one published research paper on scenario design and a lifelong friendship.

Fast forward forty three years.

I am sitting at a meeting of the Dean's Advisory Committee next to Jan Box-Steffensmeier, Dean of Social and Behavioral Sciences, and she tells me about this exciting, recently completed event, sponsored by the Law School and featuring students from all over the university, called the National Security Simulation – an interactive game that models the national security decision-making process. And it actually worked!

So I said, “Wow, there is history here! The next time you run it, I have to come and play!”

And I brought with me the first Buckeye to try to create a National Security Simulation – Col. Rick Sinnreich, co-founder of the Army's School for Advanced Military Studies, noted Defense Department war gamer since his retirement, and now a military historian and military affairs columnist.

For us, this weekend is not just about pretending to be the FISA judge or the SACEUR.

This is vindication.

I have been asked to talk to you today about leadership.

I confess that I have struggled about what to say.

For one thing, you and I went to college in radically different times. Just from being a mom, I know that my generation and yours faced very different problems and have very different attitudes about many fundamental things. Leadership in your world -- a world on information overload, massively interconnected, media saturated and technologically oriented -- will undoubtedly require qualities that leaders in the past have not had to exhibit. And I, a self-confessed Luddite, am ill equipped to predict what those qualities might be.

But mostly I have struggled because of recent events. As Professor Rudesill said earlier today, they are the elephant in the room.

We have just lived through an excessively long election cycle in which two polarizing and deeply unpopular individuals vied for leadership of a fearful, cynical, and more or less evenly divided nation. The result was bound to be painful for half the country; feelings right now are raw. It is difficult to see a way toward healing, when citizens talk past each other rather than to each other, truth is malleable, and many refuse to accept that compromise is integral to the political

process. I truly believe that we are in grave danger of rendering this country ungovernable, just as it becomes your responsibility to govern it.

And the inappropriate, even violent, post-electoral behavior that has troubled this campus and so many others only makes things worse.

At such a time, I simply could not talk to you about the five essential qualities of a good leader.

So I threw my original speech away.

Let me try this one.

A leader, in the words of John Kenneth Galbraith, is a person who is “willing to confront unequivocally the major anxiety of his people in his time.”

As with everything else, I’ll wager that there are a lot of different ideas out there about what qualifies as the major anxiety of our people in our time.

But I know what I think it is.

A few weeks ago, I attended my fortieth law school reunion. Also present were Supreme Court Justices Anthony Kennedy and David

Souter, who were celebrating with their fifty-fifth and fiftieth year classes.

The held a public conversation about issues confronting the court and the country with Dean Martha Minow.

And these two jurists -- one considered a member of the court's conservative wing and one deemed a liberal -- both said the same thing:

They said, Americans do not know who we are.

We no longer know who we are.

Those words resonated with me.

And the events of the past few weeks have only underscored how very correct the justices were.

We do not know who we are.

Our country is presently experiencing what can only be described as a mid-life crisis.

For the last century, the United States of America ran our own show and pretty much everyone else's. Few are alive today to tell us that it was once any different.

But Americans are being forced to adjust to a new order, as among nations, as among ourselves, and as between humankind and nature.

Countries and peoples who do not share our most cherished values are maturing and flexing their muscles. This presents us with new challenges – challenges to our accustomed hegemony, to the feeling of invincibility that our geographic isolation once afforded, and most of all to our self-image as the well-intentioned bringers of progress and enlightenment to peoples of whose history and cultures we remain woefully ignorant, and who do not necessarily appreciate – indeed, are often hostile to – the message we bring.

These are not the sort of challenges we have faced in the past, and unsurprisingly, we are not dealing with them as well as we dealt with the challenges of the past.

At the same time, we are coming up against the limits of our ability to exploit the earth for our benefit; the transportation and communications revolutions of the last half century have rendered many of our citizens economically expendable; and in a page right out of

science fiction, the machines we ourselves have designed and built are threatening to make most of us obsolete.

The United States of America of my generation midwived this brave new world into being; but it hasn't turned out exactly as we planned, and like Dr. Frankenstein, we have no idea how to deal with our unexpected creation.

Now this nation has faced many crises before – one of them truly existential -- and it has survived.

But today we is facing a crisis unlike any other – a crisis of confidence.

And to surmount it, we need our leaders who understand who we are and who will remind us who we are. Because we are facing huge problems with immense long term consequences; and if we don't figure out who we are, we will never get a handle on them.

So who are we?

The answer is: We are a constitutional people.

And our mission, if we choose to accept it, is to preserve, protect and defend the constitutional vision bequeathed to us by the Founders.

It is part of my job to administer oaths of office. I administer them to new employees of the court and to new citizens of the country; to new judges and to new law enforcement officers and to newly admitted members of the Bar. On one of the proudest days of my life, I even swore in a member of President Obama's Cabinet.

The text of the oath differs slightly, depending on who is taking it. But every single person who takes an oath of office in this country, from the President to the lowliest private or sailor in our Armed Forces, must say the following words:

“I do solemnly swear that I will preserve, protect and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same.”

That, ladies and gentlemen, is a truly remarkable statement.

Americans do not swear allegiance to their country, or to its flag, or to any particular leader.

We do not vow to protect and defend our nation's territory, or even its people.

We swear allegiance to the form of government that unites us as a nation.

We vow to follow and enforce, to preserve and protect and defend, a document we call the Supreme Law of the Land, and the principles it enshrines.

And we promise to be vigilant, so that no one undermines our democratic institutions and mores – no one, even our fellow citizens, for history tells us all too clearly that the greatest threat to a nation’s way of life is not from without, but from within.

Swearing allegiance to the Constitution is, quite literally, what makes a person an American; and it is what differentiates American leaders from all other leaders.

So I submit to you that if we are to recover our memory of who we are, we must find leaders who understand what it means to preserve, protect and defend our 230 year old piece of parchment and the ideas and ideals it sets out for all to see.

And what does it mean, to preserve, protect and defend the vision and the compact that is our Constitution?

I suggest that it means that we must buy into the notion that, regardless of our backgrounds, our religion, our ethnicity, our educational attainments or our politics, we are partners in a common enterprise, a great experiment, one that formed an unprecedented, visionary and still evolving social compact, which we call a more perfect union of one people forged from many.

And the only way this experiment in self-governance can succeed is if our leaders govern through compromise, effected with civility and self-restraint.

Now compromise is not something that comes easily to human beings; we want what we want and we generally think we are right. But the Constitution invented a form of government that works only if those who govern are willing to compromise. The document itself was the product of many compromises -- some of them brilliant and far-sighted; one so tragic and inherently immoral that it haunts us to this day. But there would have been no Constitution, and so no United States of America, unless everyone was willing to *give* something in order to *get*

something. And over time, many of the kinks have been worked out -- at least on paper.

So, too, with the government that the Constitution instituted. The Founders did not adopt the English parliamentary system, with which they were so familiar. Instead, they set up a system of finite powers, of checks and balances, in which the legislative and executive powers would not necessarily be aligned – as indeed they have not been for much of my life. Such a system demands compromise in order to work; it can only function when the majority respects the rights of the minority, the minority acknowledges the prerogatives of the majority, and people who hold different opinions try to find a middle ground.

Our constitutional form of government cannot function if it is hijacked by ideologues; for the peculiar genius of the Constitution lies in its accommodation to many points of view simultaneously. It would have been unthinkable to the Founders that their successors might take a “my way or the highway” attitude toward handling the people’s business; or that one political branch would refuse to allow the other to exercise its critical perquisites of office.

Compromise, then, is an essential component of American political liberty. And compromise is only possible if our leaders approach the task of governing with modesty about their own opinions and curiosity about the opinions of others. As the great jurist Learned Hand said, in the peroration of his most famous speech:

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 minds of other men and women; the spirit of liberty is the spirit which weighs their interest alongside its own without bias.....

That is the sort of spirit of liberty essential to our free society.

Compromise can only be reached in an atmosphere of civility – a quality that is fast disappearing in our cheeky and highly partisan culture.

Partisanship is not a new phenomenon in this country. It emerged as soon as there was no longer a leader on whom all could agree – which is to say, in 1796, just eight years after the great experiment began. And ever since, partisanship, and everything that comes with it, has been a staple of American political life.

Now there is nothing wrong with factionalism, with fierce but cogent debate, and with loyal opposition – as long as it does not become incivil. Excessive partisanship, however, represents a grave danger to popular democracy. In his Farewell Address, George Washington acknowledged that partisanship “is inseparable from our nature, having its root in the strongest passions of the human mind.” But he pointed out the inevitable consequence of letting it run riot:

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension....is itself a frightful despotism. The disorder and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Learned Hand put the same warning into language perhaps more comfortable to our modern ears when he said:

.....that community is already in the process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose.

We ignore the warning delivered by these two great men at our peril.

Good manners have allowed a polyglot people to coexist peacefully for two centuries; but our good manners are in short supply today; and without them, our constitutional form of government will not survive.

Finally, our leaders need to exhibit self-restraint. Liberty cannot thrive in an atmosphere of indiscipline. As Edmund Burke so presciently observed during the era of our founding:

Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites, — in proportion as their love to justice is above their rapacity, —

in proportion as their soundness and sobriety of understanding is above their vanity and presumption.....Society cannot exist, unless a controlling power upon will and appetite be placed somewhere; and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters.

Self-restraint is difficult in the most felicitous of circumstances; like compromise, it runs counter to our nature. But it is particularly difficult to achieve today. We are living in a culture of celebrity, in which the temptations to self-promotion are many, and the societal constraints on that tendency entirely too few. Our Founders were Cincinnatuses, willing to serve the public as needed, but desirous of nothing so much as a return to their private affairs. Today, political leaders make a career of it if they can, and the pull of its celebrity is so great that many of them confuse their own career prospects with the needs of the society they are supposed to serve. The ultimate check on political excess has always been the certainty that the pendulum swings, and that those in power

today will likely find themselves out of power tomorrow; but taking the long view is hard when the news cycle is short, and when it is more about me than about us, it is tantalizing to try to impose one's personal will on the future insofar as possible and for as long as possible, leaving no room for maneuver when the unanticipated arises.

So as we go about our business during the next day and a half, I ask you students to think about the oath that you would have taken in order to perform in the real world the tasks you are simulating here. I want you to think about what it would take to preserve, protect and defend the system of government that we will soon enough pass on to you. I hope you will incorporate the ideals of compromise, civility and self-restraint into your decisions about our simulated government.

And as you go about this campus in the weeks and months ahead, I ask that you approach the challenges of our highly charged political environment in the same spirit. It will not always be easy, if only because others less knowledgeable than you may not understand the vital importance of those essential civic virtues to the preservation of our way of life. But history, always the best of teachers, makes it perfectly clear

that the embrace of civic virtue is an essential against tyranny. Once again, as I so often do, I turn to Learned Hand, who knew that Americans were a constitutional people, and who knew why that mattered. I leave you with his words:

We may not stop until we have done our part to fashion a world in which there shall be some share of fellowship; which shall be better than a den of thieves. Let us not disguise the difficulties; and, above all, let us not content ourselves with noble aspirations, counsels of perfection, and self-righteous advice to others. We shall need the wisdom of the serpent; we shall have to be content with short steps; we shall be obliged to give and take; we shall face the strongest passions of mankind — our own not the least; and in the end we shall have fabricated an imperfect instrument. But we shall not wholly have failed; we shall have gone forward, if we bring to our task a pure and chastened spirit, patience, understanding, sympathy, forbearance, generosity, fortitude, and, above all, an inflexible determination. The history of man has just begun; in the aeons which lie before him lie limitless hope or

limitless despair. The choice is his; the present choice is ours. It is worth the trial.



