

**American Academy of Arts & Sciences Class V Remarks
2019**

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I really cannot express in words what an honor it is to be inducted into this august group and to have the opportunity to speak with you today on behalf of Class V. When I agreed to speak for our Class, the team very kindly sent me the remarks made by class speakers over the last four years, which I made the mistake of reading. So impressive. And intimidating.

They were all amazing, but I found that I couldn't quite shake the opening from Walter Isaacson's wonderful talk for this class in 2016. He began his remarks with a stark assessment: "The Internet," he said, "is broken. We broke it. We allowed it to corrode, and now we have to fix it.

And so I'd like to paraphrase Mr. Isaacson's opening and frame my remarks around the following thesis: "Our democracy is broken. We broke it. We allowed it to corrode, and now we have to fix it."

I realize that this is a rather sober opening for the final remarks of the day. But I don't mean to be discouraging. In fact, I want very much to encourage to us. Because what I want to talk with you about today is how we confront what I believe to be the question that plagues my every waking and sometimes sleeping moment: what is our responsibility – what is the responsibility of the citizen when her democracy is broken?

Well, I've already cribbed the answer from Walter Isaacson: we must "fix it." But what does it mean to "fix" our fractured democracy? Well I want to suggest that the fix requires something more than simply gluing the jagged, imperfect, fundamentally

flawed pieces of our democracy back together in a semblance of integrity and coherence.

Because our democracy is not newly broken. Those of us who do the work of civil rights – work which at its core requires us to face without flinching the deep cracks and fissures in our democracy – we knew that our democracy is broken. Many of us tried to sound the alarm. We spoke about voter suppression and gerrymanders and out-of-control wealth inequality. We sounded the alarm about a culture of cruelty, about the decimation of public life and the denigration of public goods in our country. These fissures have now become full-on fractures. And so the task before us is not a simple patch job.

And this is the opportunity I see in this difficult moment in our country. We have the opportunity to dig deep and to marshal our ambition and courage to reimagine what we will need to strengthen and undergird a better democracy than the one whose loss so many of us now lament. And this will require us to embrace a newly invigorated sense of our own obligations and responsibilities as citizens to building and maintaining democratic institutions, ideals and values.

It will not surprise you that for inspiration for this daunting task before us, I turn to the powerful example of ordinary people who took on the work of repairing a broken democracy, and created a new America – one that could produce the diversity and dynamic mosaic of esteemed individuals in this room today. Their courage made the trajectory of my life possible – from the youngest of 10 children in Queens to standing at this podium today. What moves me most about the group of mid-20th century democracy builders – these civil rights lawyers who executed a decades-long legal strategy to end segregation – legal apartheid – in this country -- is that they

embarked on this ambitious, often dangerous course without a blueprint. But American democracy was broken and they knew it. Segregation – nearly 100 years after the end of the Civil War – was designed to permanently brand Black people in our country with the mark of inferiority and to render us as permanent second-class citizens. It was an expression of white supremacy as powerful and damning as slavery itself. So when Thurgood Marshall and the team at the Legal Defense Fund created a plan to challenge it, they knew they were seeking to dismantle what had been a core feature of American identity - a corrosive and toxic perversion of democracy, but one to whom millions of white Americans, and almost every institution of American government, were fervently committed.

To do this, they had to trust in a strategic vision premised on values of equality and justice. They could not become discouraged by loss (and there were losses). They themselves, as African Americans or Jews, were often in peril as they worked on their cases in the south. Their dignity was often challenged in ways great and small. And they had to work past it and through it to meet their goal.

At the end of the first day of the trial in his suit challenging the exclusion of Black students from the University of Oklahoma Law School in 1947, Thurgood Marshall and his client, Ada Sipuel, talked about how hungry they were. Marshall had prepared meticulously for the trial. But he hadn't prepared for the fact that he and Ms. Sipuel, as African Americans, would not be permitted to eat in the cafeteria at the federal courthouse. According to Sipuel, Marshall remarked to her as he packed up his briefcase and they prepared to leave the courtroom, "Tomorrow, I'll try the case and you bring the bologna sandwiches."

Lawyers like Marshall, and Constance Baker Motley, and Jack Greenberg, are the lawyers who inspire me and the LDF staff – especially now.

But it wasn't only them. There were others who saw the brokenness of our democracy and determined to use their skills, their assets, their resources – wherever they were in business, in the academy, in education, in their homes and churches and temples – to contribute to the transformation of our democracy.

These individuals, and countless others, worked in a relatively few short years to help transform this country – building a set of norms and policies and narratives that became part of how we came to define our national character. What they successfully created did not benefit a small group of Americans who were treated unjustly. The strengthening of America's commitment to principles of equality and justice benefitted the entire country.

We too often fail to recognize, for example, how the successes of the Civil Rights Movement strengthened America's geopolitical power and influence in the Cold War – a war often fought in surrogate third countries, where the image of America as a place of expanding equality and opportunity had powerful currency. Presidents Truman and Eisenhower knew this. I commend to you both Mary Dudziak's powerful book, *Cold War Civil Rights*, and the scholarly work of civil rights lawyer Derrick Bell, who powerfully document this reality.

This country owes a great debt to those who marched, and sacrificed, and endured prison and died to give this country the opportunity to prove itself better than our foes in the Cold War.

Indeed, the historical record of this country demonstrates that whenever America expands the reach of equality and provides

greater opportunity for those on the bottom, the entire country benefits.

What better example can there be than the ratification of 14th Amendment of our Constitution in 1868. The opening provision of the amendment is pure democratic genius: “all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.”

The radical framers who shaped the provision we now call “birthright citizenship” designed it to ensure that newly-freed slaves and other Blacks would become full and equal citizens of this country – a status that was stripped away by the Supreme Court’s disastrous decision in *Dred Scott v. Sandford* in 1850. But that provision – designed to protect citizenship for people like me – ensured that many of your great-grandparents and parents could travel to this country and, in one generation, fold their family into full American citizenship. They didn’t need to be wealthy, literate, well-connected or beautiful. They just had to be here and become naturalized. Their children born here became immediate citizens. This provision of the 14th Amendment made possible the widely accepted concept of America as a “nation of immigrants.” However incomplete that description of our country (slaves, after all, were not voluntary immigrants), the power of this framing has for more than 100 years defined the unique and, until recently, widely admired experiment of 20th and 21st century America.

Do you see it? The provision was created for people who look like me, but it bestowed full citizenship on more white Americans and secured the national legitimacy of more white immigrant families than any other provision of the Constitution.

And so, to “fix” our democracy, we should remember that there is a guaranteed dividend when we strengthen the guarantees of equality and justice for those at the bottom. So let’s start there.

We are now called to be as ambitious and courageous as those framers of the 14th Amendment who rebuilt American democracy at the end of the Civil War, and those civil rights pioneers who remade American democracy yet again in the middle of the 20th century. It’s time to rebuild again. The good news is that there are hundreds of us here and thousands, millions, tens of millions more around the country who believe in the building blocks that make a democracy strong – we believe in facts, truth, transparency, dissent, art, science, ethics, opportunity, equality, the rule of law, and justice.

And now, as we are confronted with the fragility of our democracy, we – the citizens – must be strong. Our responsibility as citizens requires more than just showing up on election day. We now know that our democracy needs us to put on our hard hats and get to the difficult work of reshaping, reframing and remolding the very foundations of our democracy. We shouldn’t settle for spackle and a fresh coat of paint. We need a re-imagined capitalism. A redefined sense of corporate responsibility, not only to shareholders, but to democratic ideals and values. A truly transformed vision of criminal justice. A lasting commitment to the arts and humanities. An education system that really provides the foundation for citizenship. A reconfigured system of elections and politics that promotes true and equitable representation. A new commitment to facts and truth and public goods.

At the end of his 2016 speech, Walter Isaacson listed the possibilities of what we might gain by “fixing” the Internet. He ended with “the possibility of a more civil discourse.” For the fixing of our democracy – which, by the way, is not unrelated to fixing the

Internet – the possibilities are infinitely more ambitious and potentially enduring. And the stakes are too high to even contemplate failure.

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