

Chronological: American Civil Liberties Union Annual Dinner, Ilikai Hotel, Honolulu, 1985-03-09

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Senator DANIEL K. INOUE

topic:

AMERICAN CIVIL LIBERTIES UNION ANNUAL DINNER
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In 1791, Edmund Burke wrote that, "Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites...." "Society cannot exist" he continued, "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."

Many have seized upon these words as a rationale for the limiting of liberty. Both men and society, they argue, must be prepared for freedom. And until that is the case, liberty remains a luxury available only to those deemed deserving.

Some fifteen years earlier, however, Thomas Jefferson proposed a simpler--and far more 'radical'--formulation of the relationship between man and civil liberty in society. He suggested that liberty was an "unalienable right".

Labeled as 'radical' in the nineteenth century were those who sought to abolish slavery, those who sought to give women the right to vote and own property, and those who sought to permit laborers the right to unionize. Today these are widely accepted freedoms, but in those times, they were seen as tearing the fabric of traditional society.

This century has also had its share of so called 'radicals'. Women demanding equality under the law, and people of color demanding equal access in a race conscious and segregated society have shared the anger and scorn of those who feared that these individuals, or society, was not yet ready.

I am proud to view the American Civil Liberties Union as an important part of this painful and glorious history of "radicalism" in America. However, in a fashion, it also stands apart from this tradition. For unlike other movements or organizations, the ACLU has sought not to forward the interests or rights of a particular group, but rather only to attempt to protect and make real the ideal of liberty itself.

Thus it has been able to speak up for and defend the rights of all Americans: man or woman, black or white, liberal or conservative, devoutly religious or atheist. The organization has taken on all comers in defense of the principle of liberty. And like other American "radical" groups has, and is, often condemned for doing so.

The Hawaii chapter of the ACLU, like many of her sister groups, had a difficult beginning because many respectable citizens did not wish to be associated with this "radical" organization. In the beginning to call us "radical" would have been a bit charitable. In those days we were called "communists", "reds", "revolutionaries" and various unrepeatable epithets. Organizing attempts in the 40's met with failure. But in the 50's and 60's citizens in the territory and state began to take notice thanks to the efforts of so many -- including the man who introduced me to the ACLU, Professor Allan Saunders. What ultimately developed, of course, is the growing and vital ACLU-H we see today.

The local and national successes of the past two decades have been great and varied. Indeed, thanks to the efforts of "radicals", institutional racism and abuses of the rights of the accused are not only prohibited by law but subject to general moral sanctions. So many battles appear to have been won.

But no one can doubt that there remains much to be done. Ignorance and prejudice may again lead to the formulation of policies and programs based on exaggerated fears or misguided notions of what it is to be an American. I am, in fact, concerned that in many areas of policy, we may be observing the reemergence of dangerous prejudices.

In 1983, for example, the Senate Judiciary Committee made the following statement in its report accompanying the Senate version of the Immigration Reform bill.

No one seeking to enter the United States should be discriminated against because of race, color, or religion as has sometimes happened in the past. This nation does have a right, however, to expect that anyone wishing the freedom and opportunity which is to be found in America...will seek to assimilate into American society, adopting and supporting public values, beliefs and customs underlying America's success.

Adopting and supporting America's "values, beliefs and customs" may indeed be worthy personal choices. However, the legal imposition of such an expectation does not bode well for those whose notions of America are more synonymous with tolerance and diversity.

And battles we may have thought won, are clearly not concluded.

What finally led to the formation of the ACLU in Hawaii was the cause of Madelyn Murray. As we all know, Ms. Murray fought for the principle that public education should be free from religious teachings and influence. The decisions of the Supreme Court appeared to have resolved the matter.

But our President now desires to return God to the schools. And during the recent debate in the Senate on the issue of school prayer, much of my mail -- and at least one statement on the floor of the House of Representatives -- argued for a return of prayer on the grounds that we are a "Christian" nation.

There is, I think, a tone of desperation in this willful disregard for our nation's commitment to religious freedom. This was fueled by political rhetoric which speaks of an America made great by God and now dissolving into confusion and disbelief. To impose upon the heathen a healthy dose of Christian goodness is made to seem a small price to pay.

As in every age, conformity and oppression are tempting substitutes for 'moral restraints' on freedom. And, as in every age, those who oppose the majority in the name of liberty will be accused of defending indulgence and tearing apart the fabric of society. I must confess that I have sometimes been embarrassed by the nature of some of the cases the ACLU has involved itself in.

But that is the proper duty of this organization -- uncompromising in its defense of citizen rights. And although, as a politician, it has sometimes been difficult for me to remain a member of the ACLU, I am proud to say that I have never denied my association with you and my commitment to our cause.

Martin Luther King, Jr. once observed that, "the tendency of most is to adopt a view that is so ambiguous that it will include everything, and so popular that it will include everybody. Not a few men who cherish lofty and noble ideals hide them under a bushel for fear of being called different."

I am proud to say that the ACLU will never be accused of being ambiguous or of 'hiding under a bushel'. While we may on occasion be viewed as "radical", for the sake of America, I hope we will always bear this label with honor and distinction.

SPEECH ACLU ANNUAL DINNER
ILIKAI HOTEL, HONOLULU, HAWAII
MARCH 9, 1985

IN 1791, EDMUND BURKE WROTE THAT, "MEN ARE
QUALIFIED FOR CIVIL LIBERTY IN EXACT PROPORTION TO
THEIR DISPOSITION TO PUT MORAL CHAINS UPON THEIR OWN
APPETITES...." "SOCIETY CANNOT EXIST" HE CONTINUED,
"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."

MANY HAVE SEIZED UPON THESE WORDS AS A RATIONALE FOR THE LIMITING OF LIBERTY. BOTH MEN AND SOCIETY, THEY ARGUE, MUST BE PREPARED FOR FREEDOM. AND UNTIL THAT IS THE CASE, LIBERTY REMAINS A LUXURY AVAILABLE ONLY TO THOSE DEEMED DESERVING.

SOME FIFTEEN YEARS EARLIER, HOWEVER, THOMAS JEFFERSON PROPOSED A SIMPLER--AND FAR MORE 'RADICAL'-- FORMULATION OF THE RELATIONSHIP BETWEEN MAN AND CIVIL LIBERTY IN SOCIETY. HE SUGGESTED THAT LIBERTY WAS AN "UNALIENABLE RIGHT".

LABELED AS 'RADICAL' IN THE NINETEENTH CENTURY
WERE THOSE WHO SOUGHT TO ABOLISH SLAVERY, THOSE WHO
SOUGHT TO GIVE WOMEN THE RIGHT TO VOTE AND OWN
PROPERTY, AND THOSE WHO SOUGHT TO PERMIT LABORERS THE
RIGHT TO UNIONIZE. TODAY THESE ARE WIDELY ACCEPTED
FREEDOMS, BUT IN THOSE TIMES, THEY WERE SEEN AS
TEARING THE FABRIC OF TRADITIONAL SOCIETY.

THIS CENTURY HAS ALSO HAD ITS SHARE OF SO CALLED 'RADICALS'. WOMEN DEMANDING EQUALITY UNDER THE LAW, AND PEOPLE OF COLOR DEMANDING EQUAL ACCESS IN A RACE CONSCIOUS AND SEGREGATED SOCIETY HAVE SHARED THE ANGER AND SCORN OF THOSE WHO FEARED THAT THESE INDIVIDUALS, OR SOCIETY, WAS NOT YET READY.

I AM PROUD TO VIEW THE AMERICAN CIVIL LIBERTIES UNION AS AN IMPORTANT PART OF THIS PAINFUL AND GLORIOUS HISTORY OF "RADICALISM" IN AMERICA. HOWEVER, IN A FASHION, IT ALSO STANDS APART FROM THIS TRADITION.

FOR UNLIKE OTHER MOVEMENTS OR ORGANIZATIONS, THE ACLU HAS SOUGHT NOT TO FORWARD THE INTERESTS OR RIGHTS OF A PARTICULAR GROUP, BUT RATHER ONLY TO ATTEMPT TO PROTECT AND MAKE REAL THE IDEAL OF LIBERTY ITSELF.

THUS IT HAS BEEN ABLE TO SPEAK UP FOR AND DEFEND THE RIGHTS OF ALL AMERICANS: MAN OR WOMAN, BLACK OR WHITE, LIBERAL OR CONSERVATIVE, DEVOUTLY RELIGIOUS OR ATHEIST. THE ORGANIZATION HAS TAKEN ON ALL COMERS IN DEFENSE OF THE PRINCIPLE OF LIBERTY. AND LIKE OTHER AMERICAN "RADICAL" GROUPS HAS, AND IS, OFTEN CONDEMNED FOR DOING SO.

THE HAWAII CHAPTER OF THE ACLU, LIKE MANY OF
HER SISTER GROUPS, HAD A DIFFICULT BEGINNING BECAUSE
MANY RESPECTABLE CITIZENS DID NOT WISH TO BE
ASSOCIATED WITH THIS "RADICAL" ORGANIZATION. IN THE
BEGINNING TO CALL US "RADICAL" WOULD HAVE BEEN A BIT
CHARITABLE. IN THOSE DAYS WE WERE CALLED
"COMMUNISTS", "REDS", "REVOLUTIONARIES" AND VARIOUS
UNREPEATABLE EPITHETS. ORGANIZING ATTEMPTS IN THE
40'S MET WITH FAILURE. BUT IN THE 50'S AND 60'S
CITIZENS IN THE TERRITORY AND STATE BEGAN TO TAKE
NOTICE THANKS TO THE EFFORTS OF SO MANY -- INCLUDING
THE MAN WHO INTRODUCED ME TO THE ACLU, PROFESSOR ALLAN
SAUNDERS.

WHAT ULTIMATELY DEVELOPED, OF COURSE, IS THE GROWING
AND VITAL ACLU-H WE SEE TODAY.

THE LOCAL AND NATIONAL SUCCESSES OF THE PAST
TWO DECADES HAVE BEEN GREAT AND VARIED. INDEED,
THANKS TO THE EFFORTS OF "RADICALS", INSTITUTIONAL
RACISM AND ABUSES OF THE RIGHTS OF THE ACCUSED ARE NOT
ONLY PROHIBITED BY LAW BUT SUBJECT TO GENERAL MORAL
SANCTIONS. SO MANY BATTLES APPEAR TO HAVE BEEN WON.

BUT NO ONE CAN DOUBT THAT THERE REMAINS MUCH TO BE DONE. IGNORANCE AND PREJUDICE MAY AGAIN LEAD TO THE FORMULATION OF POLICIES AND PROGRAMS BASED ON EXAGGERATED FEARS OR MISGUIDED NOTIONS OF WHAT IT IS TO BE AN AMERICAN. I AM, IN FACT, CONCERNED THAT IN MANY AREAS OF POLICY, WE MAY BE OBSERVING THE REEMERGENCE OF DANGEROUS PREJUDICES.

IN 1983, FOR EXAMPLE, THE SENATE JUDICIARY COMMITTEE MADE THE FOLLOWING STATEMENT IN ITS REPORT ACCOMPANYING THE SENATE VERSION OF THE IMMIGRATION REFORM BILL.

NO ONE SEEKING TO ENTER THE UNITED STATES SHOULD
BE DISCRIMINATED AGAINST BECAUSE OF RACE, COLOR,
OR RELIGION AS HAS SOMETIMES HAPPENED IN THE
PAST. THIS NATION DOES HAVE A RIGHT, HOWEVER, TO
EXPECT THAT ANYONE WISHING THE FREEDOM AND
OPPORTUNITY WHICH IS TO BE FOUND IN
AMERICA...WILL SEEK TO ASSIMILATE INTO AMERICAN
SOCIETY, ADOPTING AND SUPPORTING PUBLIC VALUES,
BELIEFS AND CUSTOMS UNDERLYING AMERICA'S SUCCESS.

ADOPTING AND SUPPORTING AMERICA'S "VALUES, BELIEFS AND
CUSTOMS" MAY INDEED BE WORTHY PERSONAL CHOICES.

HOWEVER, THE LEGAL IMPOSITION OF SUCH AN EXPECTATION
DOES NOT BODE WELL FOR THOSE WHOSE NOTIONS OF AMERICA
ARE MORE SYNONOMOUS WITH TOLERANCE AND DIVERSITY.

AND BATTLES WE MAY HAVE THOUGHT WON, ARE
CLEARLY NOT CONCLUDED.

WHAT FINALLY LED TO THE FORMATION OF THE ACLU
IN HAWAII WAS THE CAUSE OF MADELYN MURRAY. AS WE ALL
KNOW, MS. MURRAY FOUGHT FOR THE PRINCIPLE THAT PUBLIC
EDUCATION SHOULD BE FREE FROM RELIGIOUS TEACHINGS AND
INFLUENCE. THE DECISIONS OF THE SUPREME COURT
APPEARED TO HAVE RESOLVED THE MATTER.

BUT OUR PRESIDENT NOW DESIRES TO RETURN GOD TO
THE SCHOOLS. AND DURING THE RECENT DEBATE IN THE
SENATE ON THE ISSUE OF SCHOOL PRAYER, MUCH OF MY MAIL
-- AND AT LEAST ONE STATEMENT ON THE FLOOR OF THE
HOUSE OF REPRESENTATIVES -- ARGUED FOR A RETURN OF
PRAYER ON THE GROUNDS THAT WE ARE A "CHRISTIAN"
NATION.

THERE IS, I THINK, A TONE OF DESPERATION IN
THIS WILLFUL DISREGARD FOR OUR NATION'S COMMITMENT TO
RELIGIOUS FREEDOM. THIS WAS FUELED BY POLITICAL
RHETORIC WHICH SPEAKS OF AN AMERICA MADE GREAT BY GOD
AND NOW DISSOLVING INTO CONFUSION AND DISBELIEF.

TO IMPOSE UPON THE HEATHEN A HEALTHY DOSE OF CHRISTIAN
GOODNESS IS MADE TO SEEM A SMALL PRICE TO PAY.

AS IN EVERY AGE, CONFORMITY AND OPPRESSION ARE
TEMPTING SUBSTITUTES FOR 'MORAL RESTRAINTS' ON
FREEDOM. AND, AS IN EVERY AGE, THOSE WHO OPPOSE THE
MAJORITY IN THE NAME OF LIBERTY WILL BE ACCUSED OF
DEFENDING INDULGENCE AND TEARING APART THE FABRIC OF
SOCIETY. I MUST CONFESS THAT I HAVE SOMETIMES BEEN
EMBARRASSED BY THE NATURE OF SOME OF THE CASES THE
ACLU HAS INVOLVED ITSELF IN.

BUT THAT IS THE PROPER DUTY OF THIS ORGANIZATION -- UNCOMPROMISING IN ITS DEFENSE OF CITIZEN RIGHTS. AND ALTHOUGH, AS A POLITICIAN, IT HAS SOMETIMES BEEN DIFFICULT FOR ME TO REMAIN A MEMBER OF THE ACLU, I AM PROUD TO SAY THAT I HAVE NEVER DENIED MY ASSOCIATION WITH YOU AND MY COMMITMENT TO OUR CAUSE.

MARTIN LUTHER KING, JR. ONCE OBSERVED THAT, "THE TENDENCY OF MOST IS TO ADOPT A VIEW THAT IS SO AMBIGUOUS THAT IT WILL INCLUDE EVERYTHING, AND SO POPULAR THAT IT WILL INCLUDE EVERYBODY.

NOT A FEW MEN WHO CHERISH LOFTY AND NOBLE IDEALS HIDE
THEM UNDER A BUSHEL FOR FEAR OF BEING CALLED
DIFFERENT."

I AM PROUD TO SAY THAT THE ACLU WILL NEVER BE
ACCUSED OF BEING AMBIGUOUS OR OF 'HIDING UNDER A
BUSHEL'. WHILE WE MAY ON OCCASION BE VIEWED AS
"RADICAL", FOR THE SAKE OF AMERICA, I HOPE WE WILL
ALWAYS BEAR THIS LABEL WITH HONOR AND DISTINCTION.