

Remarks for Vice President Joe Biden
Soles Lecture, University of Delaware
9.16.2011

Dr. Harker, it is an honor to be back on the campus that played such a role in shaping my life.

During my years on campus, some of the most transformative events of my generation took place. It was here that I listened to JFK warn us of an impending showdown with Russia during the Cuban Missile Crisis. One year and one month later, standing on the steps of Hullahen Hall, I learned of his death. With my friends in the lounge at Harter Hall, I remember debating the drumbeat of impending war in Vietnam.

When I came back here in 1972 as a 29 year-old candidate for the US Senate – embraced by my old faculty and supported by my university, I said:

“Our failure... has not been the failure of the people to meet the challenges placed before them, but rather the failure of both our great political parties to place those challenges honestly and courageously before the people.”

I was unaware that my career would play out against the most extraordinary period of change in American history. The great Irish poet Yeats once described his country with a phrase that I think describes America today – he wrote “All is changed, changed utterly; a terrible beauty has been born.”

That was driven home starkly when I was asked by President Roselle to address the student body at “The Bob” one week after the attacks of September 11th. At the time, I said, we “will not... cannot... must not change our way of life. It is the beginning of the end of the way of life for international terrorist organizations – not ours!”

Today, it is an honor to return here once again – at another time of challenge and change – to deliver the inaugural Soles Lecture. Jim was a great friend and mentor. He called on his students to engage actively in political debate and government service, and he supported me in more ways than he knows when I chose to answer that call.

If you look at the invitations for the events today, they suggest that I am making a gift of my Senate papers to the University. That’s not how I look at it. The real gift is what the University of Delaware has given me. Today, I’m here to thank the University, and thank my professors, for the fact that I even have Senate papers in the first place.

It was professors like Dr. Paul Dolan, Dr. Bennett, Dr. Bolinsky, and maybe the smartest guy who ever taught me, Dr. David Ingersoll – who helped me understand the transformative events that occurred during my time here – and make sense of them. It was Paul Dolan’s endorsement of me for the Senate – as a 29-year-old kid – that gave me the confidence that I was actually up to and worthy of the job.

But each in a different way instilled in me the belief that being engaged in politics was an honorable and noble undertaking, and that we each had something to contribute to the public debate. This University has been a part of my life, and so it is only fitting that the work of my life resides here. In many ways, that work has been guided by the document we celebrate today.

Eight times in federal office – seven as a Senator and once as Vice President – I have placed my hand on our family’s bible and sworn to defend the Constitution of the United States. Constitution Day was established to give all of us an opportunity to recommit ourselves to upholding the Constitution and to reflect on the meaning of this founding document, which has been intensely debated since the moment of its ratification.

From the very beginning the Constitution has generated disagreement – because so much was at stake in this new experiment, for this new Republic. As the historian Ron Chernow recently noted,

“However hard it may be to picture the founders resorting to rough-and-tumble tactics, there was nothing genteel about politics at the nation’s outset. For sheer verbal savagery, the founding era may have surpassed anything seen today.”

- Thomas Jefferson wrote President Washington that fellow cabinet secretary Andrew Hamilton’s financial proposals “flowed from principles adverse to liberty, & was calculated to undermine and demolish the republic.”
- Thomas Paine published an open letter calling George Washington, “A hypocrite in public life” and asking whether “you abandoned good principles, or whether you ever had any.”

I could go on and on.

The point is that the true accomplishment of the founders was not that they spoke in one voice—but rather that out of many voices they forged a compact that has steered our nation safely through more than two centuries of challenge and change.

According to James Madison's account, Gouverneur Morris of New York stated that he came to the Constitutional convention as a representative of the whole human race, for the whole human race would be affected by the proceedings of this convention. Morris further recognized that:

“This country must be united. If persuasion does not unite it, the sword will... The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the work of the sword.”

But the Founders also knew that the questions that they wrestled with then would not be settled by the words of the Constitution... but could be settled by the institutions to which the Constitution gave rise. When I taught law students, I would suggest to them that most of them arrived at the decision to become lawyers because they were looking for certitude. But they soon found – as I found – that the Constitution doesn't provide certitude. The Founders didn't expect phrases setting forth broad principles like “general welfare” or a concept like “liberty” to answer every question, or end every argument. The Constitution provides principles, institutions, and mechanisms for solving problems, not the solutions themselves.

The Constitution, as Chief Justice Edward Douglass White said nearly a century ago, was never intended as “a barrier to progress.” Rather, it is “the broad highway through which alone true progress may be enjoyed.” He was right then, and he's right now.

It has been this document that has enabled this diverse and broad land to do such incredible things. Under this Constitution, we settled a vast continent -- from the Atlantic to the Pacific coasts; we mobilized millions of men to unite the nation and end slavery, fulfilling the promise of the Constitution; we ascended, like the mythical phoenix, from the ashes of the Great Depression; we turned back despotism and preserved a free Europe in two World Wars; we won the Cold War; and became a beacon of opportunity and innovation for the world. No small achievements, these, and all national in scope.

The question now is: in this period of great change, how do we apply the principles embodied in this “civil bible” to the challenges of our era.

In my view, the highest achievement of the Founders was that they built a framework for government that allowed the many disparate voices to be heard, but then forced the disharmony through a funnel designed to drive towards compromise and consensus. This funnel is the Congress, and was itself the result of the “Connecticut Compromise” in which states would be represented in proportion to their populations in the House, and equally in the Senate.

The body in which I served – the Senate – is, at its core, a counter-majoritarian institution. It was designed to promote the cooling of passions and the resolution of disagreements. James Madison called the Senate a "necessary fence" against the "fickleness and passion" that tended to influence the attitudes of the general public and members of the House of Representatives.

And from the outset, the disagreements raged. In 1790, Treasury Secretary Alexander Hamilton proposed that Congress charter a national bank – a debate which began to set the contours of the role of the federal government relative to the states, a debate that has resurfaced in every generation. Hamilton, the federalist, argued that it would put our young nation on a path to fiscal stability and prosperity. Immediately, the idea generated heated debate in the Congress and within the President's own cabinet. Secretary of State Thomas Jefferson said that by chartering the Bank, the federal government would "take possession of a boundless field of power, no longer susceptible to any definition." In response, Hamilton complained that a "certain description of men are for getting out of debt, yet are against all taxes for raising money to pay it off." The passionate philosophical debate that ensued led opponents to accuse each other of trying to destroy the country.

Remember, this is 1790 I'm describing.

Washington was subjected to vicious attacks because he sided with Hamilton. But here's what he said: while some partisan conflict was inevitable, it must not rise to the level where men "who oppose the government in all its measure,... are determined... by clogging its wheels, indirectly to change the nature of it, and to subvert the Constitution."

And leaders learn. And leaders grow. Despite having opposed the National Bank in the 1790's, President James Madison – two decades later – asked the Congress to re-charter the Bank because he knew it was the only means to combat inflation – a national problem -- caused by debts incurred in the War of 1812 – a national war.

The contours of this debate were re-set by the Civil War, and the Incorporation Doctrine that followed it – making clear that the Bill of Rights was going to be enforced by the Federal government. Still, as late as 1961, when I was a student here at this University, that promise remained unfulfilled. African-Americans were being denied what we now see as basic, fundamental human rights enshrined in our Constitution.

In 1964, at the height of this debate on Civil Rights, one of my heroes, Majority Leader Mike Mansfield, appealed to his Republican counterpart, Minority Leader Dirksen, to join him in supporting Civil Rights legislation. Mansfield said:

“We hope in vain, if we hope that this issue can be put over safely to another tomorrow, to be dealt with by another generation of senators. I appeal to the distinguished minority leader whose patriotism has always taken precedence over his partisanship, to join with me, and I know he will, in finding the Senate’s best contribution at this time to the resolution of this grave national issue.”

Senator Dirksen replied:

“I trust that the time will never come in my political career when the waters of partisanship will flow so swift and so deep as to obscure my estimate of the national interest.”

Still, Senator Richard Russell of Georgia is said to have warned that:

“We will resist to the bitter end any measure or any movement which would have a tendency to bring about social equality and intermingling and amalgamation of the races in our [southern] states.”

But, in the end, a compromise was brokered and 27 Republicans joined 44 Democrats in voting to end the filibuster, after which a similar coalition voted to pass the bill. Once again, out of partisan fury, a resolution was reached—a resolution that strengthened the fundamental principles of equality and liberty for all that are set forth in our founding documents.

The fight for civil rights was the catalyzing issue that motivated me to get involved in public life. In all candor, I wanted to be a Senator in part to oppose those men who held the vision of Richard Russell, John Stennis, James Eastland, Harry Byrd, Strom Thurmond, Herman Tallmadge – all Democrats. But at the outset, I spent time attacking the motives of those I opposed, rather than their judgment.

One day, on my way to meet with Majority Leader Mansfield, I walked across the Senate floor where Jesse Helms, another new Senator elected that year from North Carolina, was railing against the Americans with Disabilities Act. And as I walked in to see Senator Mansfield, I said, Mr. Leader, I can’t believe this guy Helms arguing this was – he has no heart. And he said, Joe, what would you say if I told you that Jesse and Dot Helms, four years ago, read in the local paper that a young disabled boy said all he wanted for Christmas was someone to love him and adopt him?

What would you say if I told you that Jesse and Dot Helms went down and adopted this young man as their own? And then he said something I've never forgotten; he said "Joe, every single person here was sent here because the people of their state saw something good in them. And you'll get along a lot better and make more progress if you look for what those people saw in them. And Joe, no matter how fundamentally you disagree with someone's judgment, never question their motive. Question the judgment; don't relent on that; but never question his motive."

I listened and I never again questioned the motive, though I vehemently questioned the judgment, of these same men. And I learned something else – that the Senate is a great homogenizing institution – that if a man or woman served there long enough and has a modicum of an open mind, they have the ability to begin to shed their regional biases and look at the national interest.

And I saw this in Senator Strom Thurmond, a man who other than Senator Russell was the staunchest segregationist of his generation. But I worked with him, and I watched. After opposing the Civil Rights act of 1957, he joined me in reauthorizing the Voting Rights Act in 1982. From a man who said the most awful things about African-Americans when he began, he had probably the largest percentage of African-Americans on his staff – Democrat or Republican – when he died. We'd actually become friends, because I treated him with respect, even though I questioned his judgment. And on his deathbed he asked me to give the eulogy at his funeral.

This is what our Constitution and the structure of government it established teaches us ... and what Jim Soles taught. Governors, judges, legislators – all passed through Professor Soles' classroom and sought his counsel. Influencing a generation of public servants – more than the publication of scholarly treatises – is his legacy. For as Jim knew, and I learned, in a nation as diverse and heterogeneous as ours, focusing on personality, motive, and attacks is debilitating. Focusing on significant disagreements in judgment can ultimately be edifying.

I believe it is our Constitution that enabled us to be strong enough to get through each generation's wrenching disagreements over judgment. The more complex and consequential the issues we face, the more heated the debates. And I would suggest to this generation of students, no government in American history has faced a more complex and consequential set of problems than yours.

But I am absolutely confident that if we trust in the process, let the system function as it was designed, and focus on the factual disagreements we have, rather than the personal disagreements they engender, we will – like every generation before us – get through this temporary period of political paralysis.

I say this not out of naiveté, but out of experience – the experience of watching men change; the experience of watching reason prevail over reaction.

We have overcome the anti-immigration vitriol of the know-nothings, the cloistered voices of isolationism, the chilling effects of McCarthyism. In each instance, we found a way to moderate the extreme reactions that threatened to tear us apart and found a path to progress. And we've done it not by circumscribing but rather by expanding notions of personal liberty and freedom.

This is the ultimate lesson of our history, and the lesson I took from 36 years as a United States Senator—that our constitutional system does not teach intransigence, or stonewalling, or refusing to accommodate the views of other Americans. The greatness of our Constitution is the promise that every voice will be heard, because our government processes were designed to blend these voices together – not always in harmony, but ultimately in unity.

In giving my collection of papers and other materials from my Senate service to the University today, I hope that years from now, scholars and students will walk away believing as I do that, despite all of its imperfections, it is still the most significant deliberative body ever created by man. And I hope they will take from my papers a deeper understanding of how true, honest, compromise can help advance great national goals, and how it is through resolving differences that we shape our society for the better.

Of one thing I'm certain: Jim Soles was a believer – as am I – that politics is not a dirty word. At the end of the day, politics is the only way a community can govern itself and realize its goals without the sword. So I stand before you today, on this anniversary of the completion of the work of the Constitutional Convention, ready and willing to defend politics – to urge more of you into politics. Because politics was what those 50 gentlemen, who met 224 years ago, participated in and vindicated. And it is what, in the end, has made and will continue to make us secure and strong.

God bless you all and may God protect our troops.

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