

Wartime Childhood in Mississippi

Digital History ID 4146

Author: Willie Morris

Date:

Annotation: Novelist Willie Morris recalls his wartime childhood in Yazoo City, Mississippi.

Document: . . . [T]he teachers would exhort us with shouts and occasional slaps to finish all of our weiners and sauerkraut or our bologna and blackeyed peas. It was our small contribution to the war effort, to eat everything on our plate. Once the third grade teacher, known as the cruelest in the school, stood over me and forced me to eat a plateful of sauerkraut, which I did, gagging and in tears, wishing I could leave . . . and never come back....

The war itself was a glorious and incomparable thing, a great panorama intended purely for the gratification of one's imagination. I kept a diary on all the crucial battles, which I followed every day in the pages of the Memphis Commercial Appeal and the Jackson Daily News, and whenever the Allies won one of them, I would tie tin cans to a string and drag them clattering down the empty sidewalks of Grand Avenue. We never missed the latest war film, and luxuriated in the unrelieved hatred exercised for the Germans and the japs. How we hated the japs, those grinning creatures who pried off fingernails, sawed off eyelashes with razors, and bayoneted babies! The Germans we also hated, but slightly less so, because they looked more like us

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Wartime Childhood in California

Digital History ID 4139

Author: Ann Relph

Date:

Annotation: Anne Relph spent her wartime childhood in California.

Document: To me as a child ... the war never had any reality. It was like a story that someone was telling me ...

We lived in North Hollywood, and they had big searchlights on those hills, I guess to look for aircraft or something. I can remember going up and taking hot coffee to the soldiers in uniform. I was a member of the Civil Air Patrol, which was something they organized for kids. We bought WAC uniforms from the army surplus and were given wooden guns to drill with, and we were taught Morse code and the different kinds of airplanes to watch for. We were never actually used, but we did have a sense of being prepared for something, for some time in the future. That was the only time to me the war seemed real.

A Brother's Death

Digital History ID 4148

Author: Dick Clark

Date:

Annotation: Television personality Dick Clark was 14-years-old in 1943 when his older brother joined the Air Force.

Document: That summer I did little more than hang around the house. I went outside only when my mother had had enough of me and wanted the house to herself for a few hours. In the evenings and on weekends I helped my father work on a little square of land behind the building that he'd designated as our "victory garden."

We'd plant, hoe, water, and wait for mom to call us in for supper. We talked about Brad, where he was, and how the war was going. Brad had been offered a post as a flight instructor, but refused it. In September he was sent to Europe to fly fighter missions. That fall he sent home a photo of himself in uniform standing in front of a P 47. I took the photo and showed it to the kids in school

I was in the lobby [of our apartment building], shortly after Christmas 1944, excited that I had a week off from school. I'd picked up our paper off the pile, tucked it under my arm, and was waiting for the elevator.

Mr. Lindblum, the building superintendent, came in. He was an old friend who sometimes let me run the elevator and use his workshop in the basement. He stopped by the telephone switchboard when he saw me.

"Dickie, I'm sorry. You know how I felt about Brad. I don't know what to say"

I stood there, staring at him. He didn't realize he was the first to tell me that Brad was dead. I took the newspaper from under my arm, opened it up, and held it in front of my face, pretending to read it. I didn't say anything. I kept turning the pages.

Children in Internment Camps

Digital History ID 4150

Author: Helen Murao

Date:

Annotation: Helen Murao, a 16-year-old orphan, had to care for two younger brothers in the Minidoka internment camp in Idaho.

Document: I had a job to do with my brothers, and I ran them like a drill sergeant I wouldn't let them be out after nine o'clock, I made them go to school, I made them study... I had them help me scrub their clothes so that they would be clean. Then somewhere during that time I came to feel, well, we're going to show these people. We're going to show the world. They are not going to do this to me; nobody is going to make me feel this miserable.

The United States government may have made me leave my home, but they're going to be sorryI'm going to prevail, my will is going to prevail, my own life will prevail.

"Four Freedoms" Address

Digital History ID 1409

Author: Franklin D. Roosevelt

Date:1941

Annotation: In 1941, in his annual State of the Union message, President Franklin D. Roosevelt called "for a world founded on four essential freedoms. Freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear."

The United States would not enter World War II for another 11 months. But in his speech, the President was contrasting American values with those of Nazi Germany, which emphasized racial purity and military conquest.

Roosevelt used his State of the Union address to urge support for nations like Britain that were fighting to preserve democratic values. He requested a "lend-lease" program to supply Britain with war equipment to fight Germany.

After hearing Roosevelt's address, the country's foremost illustrator, Norman Rockwell, began to paint images of the President's Four Freedoms. These images became powerful national symbols during the second world war.

Document: Armed defense of democratic existence is now being gallantly waged in four continents. If that defense fails, all the population and all the resources of Europe, Asia, Africa and Australasia will be dominated by the conquerors. The total of those populations and their resources . . . greatly exceeds the sum total of the population and the resources of the whole of the Western Hemisphere-many times over.

In times like these it is immature-and incidentally untrue-for anybody to brag that an unprepared America, single-handed, and with one hand tied behind its back, can hold off the whole world.

No realistic American can expect from a dictator's peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or freedom of religion-or even good business. . . .

The need of the moment is that our actions and our policy should be devoted primarily-almost exclusively-to meeting this foreign peril. For all our domestic problems are now a part of the great emergency.

Just as our national policy in internal affairs has been based upon a decent respect for the rights and the dignity of all our fellow men within our gates, so our national policy in foreign affairs has been based on a decent respect for the rights and dignity of all nations, large and small. And the justice of morality must and will win in the end.

Our national policy is this:

First, by an impressive expression of the public will and without regard to partisanship, we are committed to all-inclusive national defense.

Second, by an impressive expression of the public will and without regard to partisanship, we are committed to full support of all those resolute peoples, everywhere, who are resisting aggression and are thereby keeping war away from our hemisphere. By this support, we express our determination that the democratic cause shall prevail, and we strengthen the defense and security of our own nation.

Third, by an impressive expression of the public will and without regard to partisanship, we are committed to the proposition that principles of morality and considerations for our own security will never permit us to acquiesce in a peace dictated by aggressors and sponsored by appeasers. We know that enduring peace cannot be bought at the cost of other people's freedom. . . .

I also ask this Congress for authority and for funds sufficient to manufacture additional munitions and war supplies of many kinds, to be turned over to those nations which are now in actual war with aggressor nations.

Our most useful and immediate role is to act as an arsenal for them as well as for ourselves. They do not need man power. They do need billions of dollars' worth of the weapons of defense. . . .

Let us say to the democracies, "We Americans are vitally concerned in your defense of freedom. We are putting forth our energies, our resources, and our organizing powers to give you the strength to regain and maintain a free world. We shall send you, in ever-increasing numbers, ships, planes, tanks, guns. This is our purpose and our pledge." . . .

There is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic systems are simple.

They are:

Equality of opportunity for youth and for others.

Jobs for those who can work.

Security for those who need it.

The ending of special privilege for the few.

The preservation of civil liberties for all.

The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living.

These are the simple and basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world. The inner and abiding strength of our

economic and political systems is dependent upon the degree to which they fulfill these expectations. . . .

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression everywhere in the world.

The second is freedom of every person to worship God in his own way everywhere in the world.

The third is freedom from want, which, translated into world terms, means economic understandings which will secure to every nation a healthy peacetime life for its inhabitants everywhere in the world.

The fourth is freedom from fear-which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor-anywhere in the world.

That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

To that new order we oppose the greater conception-the moral order. A good society is able to face schemes of world domination and foreign revolutions alike without fear.

Since the beginning of our American history we have been engaged in change-in a perpetual peaceful revolution-a revolution which goes on steadily, quietly adjusting itself to changing conditions-without the concentration camp or the quicklime in the ditch. The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society.

They Use Real Bullets

Digital History ID 4137

Author: Deborah Gorham

Date:1942

Annotation: The biographer Deborah Gorham describes her experiences as a child during World War II, after her father, an American pilot, enlisted in the Canadian air force.

Document: My father's departure in January 1942 has always seemed in my memory to mark a major divide in my childhood. Before he went away, I can easily recall happy, if fleeting, memories. After he went away, I can retrieve happy memories only if I make an effort to do so.... In the summer of 1943, when I was just 6, my mother decided to send me

to a summer camp in the Berkshires. I remember hating this camp: for much of the time, I recall being lonely, frightened and homesick, and relating my misery to the sadness of the war.... In remembering, I have at times had a sense that I actually told my mother, when she came on Visiting Day, that I was terribly unhappy and that she must take me home. I know that I wanted to tell her this, and I have been angry at her in retrospect because she did not realise how abandoned I felt. However, it is clear from the many letters she wrote to my father about my camp experience, that while she did send me to camp partly because she was busy working...and partly because she did not have satisfactory household help, she picked the camp with care, and sent me there mainly because she thought I needed a break from the heat of a New York summer. She missed me very much herself, and it is clear that I gave her no indication of my unhappiness. In early August, she wrote my father: "I got a long letter from Debby today ...She is having a wonderful time, can now float on her tummy and back, and takes long hikes. I think that in spite of my loneliness, camp has turned out to be an excellent affair and I am very glad I did it"....

The incident that stands out most clearly in my memory is the fear induced in me by a harmless movie called *The Canterville Ghost*, which involves a comic ghost who walks through walls. This comedy was for me transformed into horror: when our apartment was remodeled in 1944, and one wall was bricked up, every night for months I lay in bed, terrified that the horrible Canterville Ghost was about to slip through the bricked-up wall and attack me. But while I remember this fear quite vividly, I did not recall, until I read the correspondence, the fears that seem to have been most directly related to the war, to my love of my father and to my worries about his safety. For example, in 1942 I could not sleep at night: "Debbie was so enchanted with your letter this morning ... That child loves you almost too much for her own good (so does her mummy). As a matter of fact her concern for you has caused me to speak to Dr Bader about it. He has ordered a prescription of luminol to be given her every night to calm her down. She gets up at two and three in the morning and comes in fully awake to ask how you are, when you are coming home, are you in danger. Not only does it awaken me and disturb me, it means she isn't getting a full night's sleep herself. Dr Bader talked with her and decided on the rather drastic step of the luminol. God isn't this a world! When five year olds have to have sedatives!" My most unhappy memories concern my father's return, in December 1944. I remember the acute anticipation and joy I felt, and then the let-down, when he was abrupt and unfriendly to me, and appeared far more interested in my year-old sister, whom he had never seen before.

During the war itself, I had idealised him. My mother's letters to him and his to her about me, and even the letters I sent to him myself and those he sent to me, indicate that although I was only 4½ when he left, I loved him deeply, missed him, and worried about his safety. But I remembered a flawless pre-war Dad, who would take me...on jaunts to the zoo in [New York's] Central Park and on to the Oak Room at the Plaza Hotel. He returned as a deeply troubled, angry man. And he remembered an exuberant 5 year-old, not a shy, gangly 7 year-old.

Executive Order 9066: Ordering Internment

Digital History ID 44

Author: Franklin D. Roosevelt

Date: 1942

Annotation: President Roosevelt authorized the internment of tens of thousands of American citizens of Japanese ancestry and resident aliens from Japan.

Document: Executive Order 9066 February 19, 1942

Whereas, the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises and national defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220. and the Act of August 21, 1941, 55 Stat. 655 (U.S.C.01 Title 50, Sec. 104):

Now therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action to be necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any persons to enter, remain in, or leave shall be subject to whatever restriction the Secretary of War or the appropriate Military Commander may impose in his discretion.

The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamation of December 7 and 8, 1941, and shall supercede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each military area herein above authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigations of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

Franklin D. Roosevelt The White House February 19, 1942

Was Internment Constitutional?

Digital History ID 49

Date: 1944

Annotation: The son of Japanese immigrants, Fred Korematsu was just 23 years old when he refused to obey an internment order. In the case of *Korematsu v. United States*, the Supreme Court addressed the issue of whether American citizens could be summarily relocated to detention camps solely on the basis of their race. A majority of the Court agreed with Justice Black's view that military necessity justified the relocation. Three justices dissented, denouncing the court ruling as a "legalization of racism."

Document: *Korematsu v. United States*

Justice Black delivered the opinion of the Court.

It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can....

Exclusion of those of Japanese origin was deemed necessary because of the presence of an unascertained number of disloyal members of the group, most of whom we have no doubt were loyal to this country. It was because we could not reject the finding of the military authorities that it was impossible to bring about an immediate segregation of the disloyal from the loyal that we sustained the validity of the curfew order as applying to the whole group. In the instant case, temporary exclusion of the entire group was rested by the military on the same ground. The judgement that exclusion of the whole group was for the same reason a military imperative answers the contention that the exclusion was in the nature of group punishment based on antagonism to those of Japanese origin. That there were members of the group who retained loyalties in Japan has been confirmed by investigations made subsequent to the exclusion. Approximately five thousand American citizens of Japanese ancestry refused to swear unqualified allegiance to the United States and to renounce allegiance to the Japanese Emperor, and several thousand evacuees requested repatriation to Japan.

We uphold the exclusion order as of the time it was made and when the petitioner violated it.... In doing so, we are not unmindful of the hardships imposed by it upon a large group of American citizens.... But hardships are part of war, and war is an aggregation of hardships. All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier. Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direct emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger....

It is said that we are dealing here with the case of imprisonment of a citizen in a concentration camp solely because his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States. Our task would be simple, our duty clear, were this a case involving the imprisonment of a loyal citizen in a concentration camp because of racial prejudice. Regardless of the true nature of the assembly and relocation centers -- and we deem it unjustifiable to call them concentration camps with all the ugly connotations that term implies -- we are dealing specifically with nothing but an exclusion order. To cast this case into outlines of racial prejudice, without reference to the real military dangers which were presented, merely confuses the issue. Korematsu was not excluded from the Military Area because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire, because the properly constituted military authorities feared an invasion of our West Coast and felt constrained to take proper security measures, because they decided that the military urgency of the situation demanded that all citizens of Japanese ancestry be segregated from the West Coast temporarily, and finally, because Congress, reposing its confidence in this time of war in our military leaders -- as inevitably it must -- determined that they should have the power to do just this. There was evidence of disloyalty on the part of some, the military authorities considered that the need for action was great, and time was short. We cannot -- by availing ourselves of the calm perspective of hindsight -- now say that at that time these actions were unjustified.

Justice Murphy, dissenting.

This exclusion of "all persons of Japanese ancestry, both alien and non-alien," from the Pacific Coast area on a plea of military necessity in the absence of martial law ought not to be approved. Such exclusion goes over "the very brink of constitutional power" and falls into the ugly abyss of racism.

In dealing with matters relating to the prosecution and progress of a war, we must accord great respect and consideration to the judgments of the military authorities who are on the scene and who have full knowledge of the military facts. The scope of their discretion must, as a matter of necessity and common sense, be wide. And their judgments ought not to be overruled lightly by those whose training and duties ill-equip them to deal intelligently with matters so vital to the physical security of the nation.

At the same time, however, it is essential that there be definite limits to military discretion, especially where martial law has not been declared. Individuals must not be left impoverished of their constitutional rights on plea of military necessity that has neither substance nor support....

That this forced exclusion was the result in good measure of this erroneous assumption of racial guilt rather than bona fide military necessity is evidenced by the Commanding General's Final Report on the evacuation from the Pacific Coast area. In it he refers to all individuals of Japanese descents as "subversive," as belonging to "an enemy race" whose "racial strains are undiluted," and as constituting "over 112,000 potential enemies ...at large today" along the Pacific Coast. In support of this blanket condemnation of all persons of Japanese descent, however, no reliable evidence is cited to show that such individuals were generally disloyal, or had generally so conducted themselves in this area as to constitute a special menace to defense installations or war industries, or had otherwise by their behavior furnished reasonable ground for their exclusion as a group.

Justification for the exclusion is sought, instead, mainly upon questionable racial and sociological grounds not ordinarily within the realm of expert military judgment,

supplemented by certain semi-military conclusions drawn from an unwarranted use of circumstantial evidence....

No one denies, of course, that there were some disloyal persons of Japanese descent on the Pacific Coast who did all in their power to aid their ancestral land. Similar disloyal activities have been engaged in by many persons of German, Italian and even more pioneer stock in our country. But to infer that examples of individual disloyalty prove group disloyalty and justify discriminatory action against the entire group is to deny that under our system of law individual guilt is the sole basis for deprivation of rights.... To give constitutional sanction to that inference in this case, however well-intentioned may have been the military command on the Pacific Coast, is to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow....

I dissent, therefore, from this legalization of racism. Racial discrimination in any form and in any degree has no justifiable part whatever in our democratic way of life. It is unattractive in any setting but it is utterly revolting among a free people who have embraced the principles set forth in the Constitution of the United States. All residents of this nation are kin in some way by blood or culture to a foreign land. Yet they are primarily and necessarily a part of the new and distinct civilization of the United States. They must accordingly be treated at all times as the heirs of the American experiment and as entitled to all the rights and freedoms guaranteed by the Constitution.

Discrimination Against Mexican Americans in War Industries

Digital History ID 603

Author: Carlos E. Castañeda
Date: 1945

Annotation: In the spring of 1941, after the Brotherhood of Sleeping Car Porters and the National Association for the Advancement of Colored People called for 150,000 people to march on Washington to protest racial discrimination in defense industries, President Franklin D. Roosevelt issued an executive order prohibiting discrimination in war industries and created the Fair Employment Practice Commission (FEPC) to investigate complaints. With a tiny staff, the FEPC lacked the resources to force contractors to end discriminatory practices. Here, Carlos E. Castañeda a special assistant on Latin-American Problems to the FEPC, testifies before a Senate committee on behalf of a bill to prohibit discrimination on the basis of race, creed, color, national origin, or ancestry. The bill was defeated.

Document: Our Spanish-speaking population in the Southwest...are ill-dressed, ill-fed, ill-cared for medically, and ill-educated...because of the low economic standard to which they have been relegated as the result of...restricting their employment...to the lowest paid, least desirable, and most exacting jobs.... Not only have they been restricted to the lowest bracket jobs, but even in these jobs they have been paid wages below the minimum...in all the...industries in which they have been employed....

...Out of the 315,000 persons of Mexican extraction, only 10,000 were being employed in the Southern California shipyards, 2,000 in the San Diego aircraft industry, and 7,500 in the Los Angeles aircraft industry, making a total of 19,500 employed in essential war industries in the area included between Los Angeles and San Diego. Much better utilization was being made of Mexican labor in the San Francisco area where, with a...population of ...30,000

persons of Mexican extraction, 8,000 were engaged in basic war industries.... 22% of the Mexican Americans were being employed in San Francisco, while only 6% had found employment in basic war industries in the Los Angeles and San Diego area....

Texas, with a population of 6,414,824, has approximately 1,000,000 Mexican Americans.... Less than 5%...are employed...in war...industries. Such industries...have restricted them to common or unskilled labor jobs...regardless of their ability, training, or qualifications. In the oil, aircraft and mining industries, in the numerous military installations, in the munitions factories and shipyards, and in the public utility corporations,...their employment has been limited and their opportunities for advancement restricted.

The prevalent...belief among employers for the various industries, personnel managers, officials of military installations, and...government agencies in the Southwest is that the Mexican-American is incapable of doing other than manual, physical labor; that he is unfit for the...skilled labor required by industry and the crafts....

Mexican-Americans have generously responded to their responsibility in the present world struggle for the victory of the democracies. They have unstintingly made the last sacrifice on a world-wide battle front in order that all peoples may enjoy the blessings of freedom and peace. Equal economic opportunities, the right to work and earn a decent living on a par with all other persons regardless of race, creed, color, national origin or ancestry, is a basic principle of American democracy.

The Spirit of Liberty

Digital History ID 1199

Date:1944

Annotation: Learned Hand is often considered the greatest American judge to never sit on the Supreme Court. For more than 50 years, he served as a federal judge, most of the time on the U.S. Court of Appeals for the Second Circuit in New York. Three times presidents considered nominating Hand for the Supreme Court. But each time they picked someone else.

Hand gained public acclaim for a speech on "The Spirit of Liberty" given during World War II. Hand delivered this address in 1944 in New York's Central Park, where 1.5 million people gathered for an event billed as "I Am an American Day." Hand aimed his remarks at 150,000 newly naturalized citizens.

Hand told his listeners that immigrants came to America in search of liberty. He informed them that the essence of liberty was not to be found in constitutions, laws, or courthouses but "in the hearts of men and women." What then, he asked, is the spirit of liberty? "The spirit of liberty is the spirit that is not too sure it is right." What Hand meant is that Americans needed to avoid dogmatism and remain open-minded.

Hand was an early opponent of Hitler and a critic of anti-semitism and as a judge, Hand defended freedom of expression and civil liberties. But he also committed to judicial restraint and believed that the courts should avoid second-guessing the decisions of legislatures. During the Cold War, he was known as a voice of moderation who spoke out publicly against McCarthyism, the obsessive pursuit of communists in government.

With his busy eyebrows, his penetrating eyes, and his stern countenance, Hand fit the popular ideal of a judge. He was often called the Supreme Court's tenth Justice. But he was skeptical about the law's ability to resolve conflicts efficiently and to protect peoples' liberties. In a famous phrase, he said that his years on the bench convinced him that "I should dread a law suit beyond almost anything else short of sickness and death."

Document: We have gathered here to affirm a faith, a faith in a common purpose, a common conviction, a common devotion. Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning. What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. 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 mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near two thousand years ago, taught mankind that lesson it has never learned but never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest. And now in that spirit, that spirit of an America which has never been, and which may never be; nay, which never will be except as the conscience and courage of Americans create it; yet in the spirit of that America which lies hidden in some form in the aspirations of us all; in the spirit of that America for which our young men are at this moment fighting and dying; in that spirit of liberty and of America I ask you to rise and with me pledge our faith in the glorious destiny of our beloved country.