



**“The Trails and Paths of Conscience”
Sermon by Eric Liu • Civic Saturday
Portland Public Library • Portland, ME • September 29, 2018**

Thank you for joining us this morning for Civic Saturday. Over the years, we’ve held these gatherings in many kinds of spaces, from theaters to churches to town halls to classrooms. But whenever we meet in a public library, I feel most truly at home. My mother is a former librarian. I served for a decade as a trustee of the Seattle Public Library. And to be in a public library that’s 151 years old is especially exciting.

It’s also very meaningful to be in Maine. When I was growing up in New York’s Hudson Valley, outside Poughkeepsie, we didn’t travel much because my father had kidney disease and needed to be home for dialysis several times a week. Summer vacations away from home were brief and precious. We spent several of them in Maine: Acadia National Park, Bar Harbor, Rockport. We used the Mobil Travel Guides to drive our way up the coast and we stayed at seaside motels. I still have a large chunk of pink granite from Acadia that I placed on my boyhood bookshelf, with a museum-style card I typed that said “GRANITE. MAINE.” Very scientific. In more recent years I’ve been gathering with a group of college friends at Orr’s Island, and I’ve gotten to visit Camden for PopTech, the immersive annual conference there on art, design, and social change.

My path, in short, has led me back to Maine regularly. This morning I want to share some thoughts about paths of decision in our lives as citizens. I’ve been reading a book called *On Trails*, by Robert Moor. He’s an avid hiker and he opens and closes the book with his experiences thru-hiking the entirety of the Appalachian Trail. Along the way, he explores the science, the psychology, the history, the philosophy of trails – in short, what trails reveal about *our* nature.

It’s just a fabulous book. And one of Moor’s most memorable points is that there’s a distinction to be drawn between trails and paths. We use those words interchangeably. But the distinction is that trails are what we leave behind. Paths are how we move ahead. Trails are inherently backward-gazing, paths face the future.

We leave trails as we try to find our way in the wilderness; we trample, we make signs and signals, we alter the environment, consciously and not, in ways that others can follow. Over time, those who do follow us refine the trail. It evolves, as the work of a collective intelligence, becoming sleeker and more efficient. Less resistant. But eventually the trail ends. And when we are in that moment of facing undiscovered country, and deciding how to proceed, we are in the business of forging a path. The trail that got us here cannot tell us where to step next.

That is where our country is now. We are at a moment in the United States where we need to look honestly at the trail behind us and ask what path we must now take to live like citizens. The reading we heard this morning was delivered in 1950, during the reign of Senator Joe McCarthy, by his colleague and your former Senator, Margaret Chase Smith. As you all felt when it was being read aloud, her speech was remarkable then and remarkably apt now. Margaret Chase Smith was succeeded in the Senate by Bill Hathaway who was succeeded by Bill Cohen who was succeeded by Susan Collins.

So, Senator Collins, who has heard from many of you about Brett Kavanaugh's Supreme Court nomination, occupies the seat once held by Margaret Chase Smith. And you, my friends, occupy the seats once held by the citizens who elected Margaret Chase Smith. All eyes in Washington may be on your senator: what will she do, how will she vote? But make no mistake: this moment is about *you*.

My aim today is to help you claim your civic power, for this moment and beyond, in a way that is grounded in civic character, so you can couple your public voice with an inner voice of conscience and a sense of place and history. I'd like to divide my thoughts, then, into these two categories of trails and paths. Let me begin with trails.

THE TRAILS WE LEAVE

Last week our Citizen University team held a convening at Monticello, Thomas Jefferson's – well, the word we once used was "estate" or "home" but let's call it what it was – his plantation. We brought together people of all ages, races, political views, and regions for a convening about building civic power. We got to tour Monticello and we got to see an acclaimed new exhibit about Sally Hemings, the enslaved woman he owned and with whom he fathered several never-acknowledged children.

My friend Leslie Greene Bowman, who runs Monticello, has led that institution in a way that illuminates the difference between trails and paths. She and her team had to curate this new exhibit with utmost skill because it reframed our view of the house and the plantation and the heritage of this Founding Father. And as we know during this age of reckoning in American politics, reframing can be subtle and nuanced. Or very much not.

Jefferson left many glorious trails for us. The Declaration of Independence. The Virginia Statute for Religious Freedom. The Louisiana Purchase and the Lewis and Clark Expedition. But his legacy is shadowed at each turn. The mountaintop Monticello sits on was leveled by 600 enslaved people – which, by the way, is how the tour guides have been adeptly taught to refer to those human beings. Not as “slaves.” Jefferson’s visionary plan to send Meriwether Lewis and William Clark and their Corps of Discovery to chart the territory along the Missouri River and to search out the sea – that plan depended on Native American guides, and it followed ancient Native trails, and it sped the day when Native tribes would be massacred and force-marched along the infamous Trail of Tears and down countless unnamed trails of anguish and dispersal.

How can we judge the actions of those from another era? How do we account for a difference in context while maintaining a commitment to universal principles of right? How can we muster empathy for someone capable of compartmentalized evil?

If I call Jefferson a sexual predator, maybe that’s technically unfair, since there was no such concept then and no restrictions in law or custom on his having sex with a person he owned. But he knew better and failed to do better – he preached good but did not find the courage to quit doubling down on evil. I surely can judge him for that. I do. But even as I do, Monticello reminds us, I must remember that his failures alone are not the entire story any more than his glories are. I must also ask what are the settled conventions of *our* time that future generations will judge as harshly?

There was so much about the Kavanaugh hearings on Thursday that was moving and troubling and enraging all at once. But one phrase stuck with me, and that was Dr. Ford’s statement that she came forward with her allegation and was willing to testify and subject herself to painful scrutiny because it was her “civic duty.”

And that got me thinking: what is *our* civic duty now? Duty itself is a trail: a set of inherited directional markers, a series of ethical paces that others have completed. But duty is to action as a map is to motion: it only tells you where to go; you still gotta walk the walk. The law is full of duties: duty of care, duty to rescue, fiduciary duty. But when we speak of *civic* duty we mean something that precedes and surrounds and even legitimizes the law, a spirit of responsibility. A social norm of participating or contributing or sacrificing even though it is not a rationally self-interested act.

Here is one civic duty: to face our history and ourselves without illusion.

You are in a unique position to do this as Mainers. In two years, your state will celebrate its bicentennial. I imagine this town will be filled with joyful parades and testimonials to the flinty, ornery spirit of liberty that’s always prevailed here. But remember: your birth as a state is entwined with the expansion of slavery. Maine entered the Union as part of the Missouri Compromise in 1820, which added Missouri as a slave state and gave lie to the Founders’ wishful belief that slavery could be put on a peaceful path to extinction.

At the time, five of your seven new representatives in Congress decried the terms under which Maine had become a state. They found the compromise morally repugnant. They published a pamphlet in 1820 that warned that under these terms, which normalized slavery, Americans “shall deserve to be considered a besotted and stupid race, fit, only, to be led blindfold; and worthy, only, to be treated with sovereign contempt.”

That was a classically Maine statement of salty independence and clear moral sense. In the decades before the Civil War, many abolitionists emerged from Maine with that same spirit. Portland’s Abyssinian Meeting House became a stop on that other great American trail, the Underground Railroad.

But free as this new state was, it was not free of complicity. In towns like Biddeford and Waterville fortunes were spun from cotton mills bound to the slave trade. The shipping lanes that fed Maine’s prosperity traced a course of compounding pain for the enslaved. And even this far north, hearts were divided: after the Kansas-Nebraska Act of 1854, a neighborhood in Biddeford started calling itself Nebraska, in solidarity with enslavers.

Brian Purnell, a historian at Bowdoin, recently wrote about the Maine’s connection to slavery in *Portland Monthly*. In his astute essay he noted, “These are not the topics a state usually includes when it recognizes its origins, but Maine is in a unique position to signal to the nation an important lesson: compromising on evil has incalculable costs.”

The problem is how to determine and agree upon what’s evil, or what’s the greater evil. That’s our next civic duty, then: to sharpen our collective capacity for discernment.

All across Maine, people like you have been riveted by the Kavanaugh hearings and have been struggling to discern and to balance what is known, what is believed, what is prohibited, and what should be expected. As Mainers, you’ve been able to do that in a way that generally avoids the Manichean certitude of national politics.

When people walk trails, they look for signals left by those who came before: blazes made of reflective tape, perhaps, or subtler guideposts like bent branches or a line of stones. What signals do our forebears send us about where to go – and where not to? One hint is in the language that’s become more common in our national political life these last few years: *national divorce, civil war, cold war*.

Margaret Chase Smith, in her Declaration of Conscience, used comparable language of *national suicide*. The context for her speech was the McCarthy era, during which mere accusation was enough to end careers and ruin lives and create just the kind of internal chaos that our external enemies wanted to sow. Her speech was considered brave – and still is – because she was decrying witch hunts to the face of the chief witch hunter.

Today, if we're honest, it is mainly people on the right who issue such warnings. And I want to ask those of you on the left: Why? Why should such cautions be the province of only the right? I believe Dr. Ford. I found her deeply patriotic, in the true sense of putting country before self. I think the most powerful thing Thursday was how many women came forward, even as Dr. Ford was testifying, to share their own experiences of sexual assault and their own reasons for having kept silent until now. That outpouring resonates still today. It will resonate long past Election Day.

At the same time, I can see the ethical limits of the hashtag #BelieveSurvivors. If I am to believe that accusers are *by definition* survivors, then I have just eroded the legitimacy of the legal standard that says the accused are presumed innocent. The downstream costs of that erosion could be terrible, particularly for the relatively powerless.

Of course, I know confirmation isn't a legal proceeding that has the burdens of proof required in a trial or that even guarantees a presumption of innocence. Confirmation – like impeachment, by the way – is a political process dressed up like a legal one. Which means in the end it's about mobilizing muscle – not just of senators but of the people who apply pressure on their senators, as many of you are doing. If Kavanaugh is confirmed, it'll be because he *could* be – in just the way that Mitch McConnell broke precedent to block Merrick Garland and other Obama nominees: because he *could*.

If that enrages you, vote. Organize. The Supreme Court is the great marble-columned rebuttal to anyone who says elections don't matter. But after the election, you've got to be able to practice power with a grounding in character – to couple the *could* with a sense of *should*. Even if the other side didn't. Especially if the other side didn't.

The signal Margaret Chase Smith sent us was this: Do not fall into a maximalist scorched-earth politics of "I do it because I can." Do not let your justified anger at the other party's perfidy lead you to undermine the values that undergird the rule of law. Do not learn to hate from the people who have hated you. Do not answer a betrayal of integrity with another betrayal. That way lies national suicide.

Can we stay on her trail of conscience? It's difficult. For many of you, I'm sure, her message seems deeply unsatisfying. Far more satisfying is the righteous fight. And I'm not saying we should not fight for right. I am only saying that the trail is ending now. We are entering uncharted territory.

Can the United States become the planet's first mass multiracial democratic republic? Can we delink Americanness and whiteness? Can this nation remain a nation when economic and cultural power concentrates in diverse cities while political power remains disproportionately clumped in non-diverse rural areas? Can we sustain the myth of equal citizenship when our economy is so profoundly unequal? Can our Constitution long endure if each branch is controlled by the minority? Can a society in which women are simultaneously rising and subordinated arrive at equal rights without rebellion?

The reasonable answer is: Not on current course. Which brings me to the new paths we must now make.

THE PATHS WE MAKE

How in this time can we make our way? Forging a path can be done carelessly or it can be done mindfully. Imagine us, this little band of would-be citizens, not in the comfort of this library but in the open wilderness. As Robert Moor describes in *On Trails*, even experienced hikers with a clear destination can end up walking in vast circles once the trail ends.

So, think about what the ethics of a new path must be if we are to survive.

The path forward must be a path of sacrifice. Of forbearance. Of decency. Of not taking all when you win. Of leaving some space for others, for the next round, for the good of the realm. Of yielding today so we might advance together tomorrow. I know many of you don't want to hear that. It sounds like being a loser. But it is in defeat that moral intentions are often set. Think of Hitler after World War I, or the architects of Jim Crow during Reconstruction, feeding their grievances and shrinking the ambit of their own responsibility. The way we behave when we are in charge is determined by the way we think when we are not. If those who detest Mitch McConnell for putting party before country aspire only to return the favor, then his victory is not temporary; it is perpetual.

The path forward begins at home – locally – and not with national politics in all its toxic anonymity and tribal hatred. It begins by testing and trying these forgotten habits of positive reciprocity – you give, I give – at a scale that is human. Where everyone knows your name. Where you've got to fix things and where you get to try things without a partisan script. That is what Maine, a state of small towns, can still teach America.

The path forward will be found and made not by elected leaders, even those of true conscience. It will be found and made by citizens who know that most elected leaders are in fact exquisitely attuned followers – of systemic incentives, of reliable voters, of big donors – citizens who know how to organize and make their leaders follow them.

The path forward is not about rugged individualism. Rugged individualism never got a barn raised, never got a trail blazed. But neither can the path forward be about sheer collectivism. You will lose the nonconformists and innovators and risk-taking iconoclasts. The story of Maine is the story of individualists who banded together. In that combination, that fusion of care and dare, is the American DNA.

The path forward is about circulating power rather than hoarding it. We have to teach our children, who can then teach us back, that we're all better off when we're all better

off: that, for instance, when boys respect girls, they will find a healthier basis from which to respect themselves; that when girls play, the team grows stronger; that respect and inclusion are not rules of etiquette but strategies for thriving. Thriving is different from winning. It's more important. In sports or business or politics, any given interaction may be zero-sum, with a winner and a loser. But the game itself is not zero-sum. The game is positive-sum. It's better for baseball if the Yankees and Red Sox don't hoard all the championships – and it's better for the Yankees and Red Sox if the baseball thrives.

The path forward relies on an ethic of shared fates. I saw a sign recently on a busy neighborhood street where the law says 20 miles per hour but norms say 35. The sign said, "Drive Like Your Children Live Here." The path forward must be steeped in that ethic, which makes city-dwellers imagine being small-town residents, and tech entrepreneurs imagine being low-wage workers, and vice versa. Vote, serve, volunteer, care, build, challenge, question, pray, pay like your children live here. Like you're not just passing through. Like you've got to live with the consequences. Because you do.

The path forward ties your pain to mine – and your liberation to mine. In Maine the population that calls itself white has been hit hard by the opioid crisis and a suicide crisis, and by the purposelessness that fuels both. You may have a governor who wants to scapegoat outsiders of color, real and imagined. But citizens are always bigger than their governors. You can show each other, as neighbors, how to talk about pain and recovery across lines and labels of race and class and gender and party. You can show each other, as neighbors, how to love and how to dignify. To hold pain and to take responsibility for repair.

How can we hack this path out of the thicket before us? Well, we can look to the people who are already doing it.

Consider the way that Portland became *Bon Appetit's* Restaurant City of the Year in 2018. Was it by doubling down on lobster rolls? No. It was by taking the risk to create demand for something new. By making a market for black sesame tea cake and kim chee burritos and lobster chips with serrano ranch and craft beer of every kind. (Sorry – I know we're getting close to lunchtime).

Consider the immigrants and refugees who have come to Maine in recent decades from East Africa and all over the world. Look back at the trails they've left and think about the path they are finding. They practice sacrifice and long-term thinking and responsibility and mutuality. They and their children are finding ways to participate in the larger community while trying to sustain the traditions of the old country. Just like their European predecessors. There's a new exhibition at the Maine College of Art called "Making Migration Visible: Traces, Tracks, and Pathways." The works in this statewide project remind us that migration is the American way – and that immigrants can teach the native-born how to rekindle the American spirit of venturing and putting down new roots, how to find grace in remembering and forgetting as you "get up and go."

Consider how you will vote in Maine this November. Behind you is the old winner-take-all system that rewards the two-party duopoly and polarization. Ahead of you is your new ranked-choice voting system, which rewards inclusion and coalition and gives groups that initially fall short of a majority continued incentive to participate and to build that majority. That reform didn't happen by magic. Or, rather, it did: through the magic act of organizing, which generated brand-new power out of thin air. Everyday citizens looked at the rules, imagined better, organized a referendum, and won. You're showing the country how democracy can fix itself: by re-rigging rigged rules. You are reminding us all that an American can be both an institutionalist *and* an insurrectionist: just as our Founders and Framers were.

Consider, most of all, the alternative. We are in a dark wood. In our accelerating tumble toward disunion, we are re-enacting the decade before the Civil War, that period of impending crisis when the two sections of the country flat-out gave up on each other. When the disagreements became irreconcilable. When incivility bled into violence. When insurrectionists decided to abandon the institutions and to destroy them altogether instead of reforming them.

In 1950, Senator Margaret Chase Smith could have thrown in with Joe McCarthy and rationalized that there were enough real cases of Communist spies to justify pounding the Truman Administration into submission with fake charges and obliterating Democrats in the next election. Instead, she challenged her own party to be bigger than that – to earn power and trust by being worthy of the people's best selves, not by indulging in a reign of terror that made the people smaller and more scared.

What judgments is Senator Susan Collins making right now? What rationalizations tempt her? How does she balance conscience against necessity against duty? She could deliver a speech tomorrow that updates Senator Smith's Declaration of Conscience. She could be the Republican who says to her party, "We must stop the madness now. We can win this round, get this nomination, secure a generation-long majority. But we're kidding ourselves if we think this will settle the matter. It will only power a revolt that challenges the legitimacy of the Court and of the Constitution itself. For love of country, we have to find a nominee who protects the institution."

Wouldn't that be something? Doesn't that sound like Hollywood? Well, if it can be imagined it can be made real. But only if Senator Collins is led to imagine it. And the same is true, by the way, of a speech in which she says: "The president won his election. He gets his nominees. This one in the end has no provable disqualifications, and to deny him would be to reward those who want to subvert the Constitution with hysteria and half-truths. The only way to break the fever is to push him through."

Which speech will she give? Which path will she take? How will you lead her?

The choice before us is not equilibrium or upheaval. The alternatives are only varieties of upheaval. When Abigail Adams wrote to her husband John, “Remember the ladies,” she was not making a polite plea – even though that’s how her line is often portrayed. She was issuing a warning. She was threatening rebellion against the rule of law itself. Well, rebellion is upon us. Insurrection is the spirit of the day, whether you’re talking to supporters of Donald Trump or Elizabeth Warren or Dr. Ford or Judge Kavanaugh. The question is whether our institutions can adapt in the face of these new demands for power and voice and dignity – or whether, captured by a cynical few, these institutions will go extinct.

That is a question not for presidents and senators but for the people. With conscience as our compass, as history gives us to see the right, we must search out a better way of being Americans that doesn’t end in disunion.

New England was founded by pilgrims who felt that Old England had lost its way. But who will found a New America to repair or the ways of Old America? We will. Who decides whether Portland and the rest of Maine will be part of that New America? You do. The trail that got us here is complex and many-branched and it exposes all the good, the bad, and the ugly of our shared national heritage. The path that Americans must make can begin right here with us.

All together now: let us find our way.

READINGS TO PRECEDE THE SERMON

Senator Margaret Chase Smith
Declaration of Conscience (excerpts)
June 1, 1950

I would like to speak briefly and simply about a serious national condition. It is a national feeling of fear and frustration that could result in national suicide and the end of everything that we Americans hold dear. It is a condition that comes from the lack of effective leadership in either the Legislative Branch or the Executive Branch of our Government....

I speak as a Republican. I speak as a woman. I speak as a United States Senator. I speak as an American....

I think that it is high time for the United States Senate and its members to do some soul-searching -- for us to weigh our consciences -- on the manner in which we are performing our duty to the people of America -- on the manner in which we are using or abusing our individual powers and privileges.

The American people are sick and tired of being afraid to speak their minds lest they be politically smeared as "Communists" or "Fascists" by their opponents. Freedom of speech is not what it used to be in America. It has been so abused by some that it is not exercised by others....

The Democratic Administration has greatly lost the confidence of the American people by its complacency to the threat of communism here at home and the leak of vital secrets to Russia through key officials of the Democratic Administration. There are enough proved cases to make this point without diluting our criticism with unproved charges....

Yet to displace it with a Republican regime embracing a philosophy that lacks political integrity or intellectual honesty would prove equally disastrous to this nation. The nation sorely needs a Republican victory. But I don't want to see the Republican Party ride to political victory on the Four Horsemen of Calumny -- Fear, Ignorance, Bigotry, and Smear.

I doubt if the Republican Party could -- simply because I don't believe the American people will uphold any political party that puts political exploitation above national interest. Surely we Republicans aren't that desperate for victory....

As members of the Minority Party, we do not have the primary authority to formulate the policy of our Government. But we do have the responsibility of rendering constructive criticism, of clarifying issues, of allaying fears by acting as responsible citizens.

As a woman, I wonder how the mothers, wives, sisters, and daughters feel about the way in which members of their families have been politically mangled in the Senate debate – and I use the word "debate" advisedly.

As a United States Senator, I am not proud of the way in which the Senate has been made a publicity platform for irresponsible sensationalism. I am not proud of the reckless abandon in which unproved charges have been hurled from this side of the aisle. I am not proud of the obviously staged, undignified countercharges that have been attempted in retaliation from the other side of the aisle....

As an American, I am shocked at the way Republicans and Democrats alike are playing directly into the Communist design of "confuse, divide, and conquer." As an American, I don't want a Democratic Administration "whitewash" or "cover-up" any more than I want a Republican smear or witch hunt.

As an American, I condemn a Republican "Fascist" just as much I condemn a Democratic "Communist." I condemn a Democrat "Fascist" just as much as I condemn a Republican "Communist." They are equally dangerous to you and me and to our country. As an American, I want to see our nation recapture the strength and unity it once had when we fought the enemy instead of ourselves....

Abigail Adams
From a letter to John Adams
March 31, 1776

I desire you would Remember the Ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If particular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.