

MINNESOTA SUPREME COURT  
JUSTICE NATALIE HUDSON  
**“SEEING DIFFERENTLY TOGETHER”**

*Speech given at the Minnesota Campus Compact 2019 Summit  
and Presidents’ Awards Luncheon*

*St. Catherine University — April 10, 2019*

Good afternoon: Thank you for that kind introduction. It truly is an honor to be here on such a special occasion as you acknowledge and celebrate the outstanding work of the Compact, and these amazing community partners and volunteers.

I must tell you that I am excited to be here; my spirit is nourished whenever I have the opportunity to be on a vibrant college campus like St. Kate’s and at events like this. It takes “me home” if you will. I was born and spent my early childhood in Jefferson City, Missouri, where my parents were both educators. Jefferson City is home to Lincoln University and my father was a teacher and one of the assistant football coaches, and so our lives revolved around the academic, political and social life of the University. That experience profoundly and permanently influenced my belief in the power – and yes, the obligation – of higher education to promote engaged citizenship and provide the key to social, economic and political mobility.

## Introduction:

And that brings me to this question: Did you know, that the Compact is here – at this juncture in our nation’s history – for such a time as this? Our country desperately needs its institutions of higher learning, and organizations like the Compact who are committed to civic engagement and preserving our democracy, to lead the way. To lead the way out of the polarization, divisiveness and meanness that dominate much of our public discourse today. We are in a social upheaval reminiscent of the 60’s as our country is engaged in fierce debates over immigration, health care, voting rights and our criminal-justice system; indeed, battles over core, fundamental – and what many thought were enshrined – ideals about who we are as a country. In the 60’s, it led Harry Belafonte to say: “we are in a struggle for the soul of this country; it is a struggle for America’s moral center.” We are in no less of a struggle today. We thought, for example, that we had entered a “post-racial” world after President Obama was elected; only to find that that was not so. In a recent Vox article by P.R. Lockhart, entitled “Living While Black and the Criminalization of Blackness,” Lockhart describes the myriad ways black people are viewed with suspicion, profiled and threatened with responses from the police – like the black co-ed at Yale who was sleeping in the lounge area of her dorm until a white classmate called the police because she wasn’t sure if the black student “belonged” there. Even after unlocking her dorm room to prove she lived there, she was still asked for ID. Or the two black men arrested for trespassing in a Philadelphia Starbucks while waiting to meet with a business partner. The manager claimed they “refused to make a purchase or leave.”

I. New Age of Civic Engagement:

As disturbing as these incidents are, I'm encouraged and I want you to be encouraged, as well. Because in the midst of these troubling events, I see a new age of citizen engagement, and it's coming from people across the political spectrum, young and old alike. People of all ages are energized and motivated to act, to speak up – even people who have previously been silent. Kamala Harris kicked off her presidential campaign by encouraging us as a country to “see what can be; unburdened by what has been.” I think that's good advice regardless of where you land on the political spectrum.

And so I'm encouraged that the turmoil has us talking about our democracy again – something most of us largely take for granted. So we're talking about what it means to live in a democracy and how we protect it; recognizing that Democracy goes hand in hand with freedom. Because we live in a democracy, we are entitled to due process. Because we live in a democracy, we are able to choose the religion we wish to follow, or if we wish to have a religion at all. Because we live in a democracy, we are allowed to choose what to study, where to work, who to love, and who to lead us. And most importantly, true democracy gives us access to our political system. To be sure, democracy isn't always perfect, but what we have here is the envy of virtually every other nation on earth. And so we are engaged now in real life civic lessons; lessons, for example, on the First Amendment and freedom of the press and due process as the courts sort out whether CNN White House reporter, Jim Acosta, was properly expelled from the White House briefing room; and we're discussing the importance of the separation of powers as the courts grapple with the President's executive power to declare a national emergency vis-a-vis Congress' power of the purse.

My point is this: This community – this Compact – needs to be an integral part of these local and national discussions. Higher education must continue to play its unique role in encouraging and training a new generation of young people who will speak up and be actively involved – be that through voting, lobbying, or educating themselves and others about these important issues. Democracy is not a spectator sport. In the Declaration of Independence, Thomas Jefferson said that “We hold these truths to be self-evident: that all men are created equal . . . and have certain inalienable rights . . .” But I assure you that while our rights may be self-evident; they are not self-executing! In other words, they are capable of being eroded, if only through neglect and apathy. Thurgood Marshall said we have to “dissent from indifference.” And so we have to engage one another on these critical issues; but we have to do so in a manner that respects competing viewpoints and experiences that may be foreign to us.

## II. Democracy Does Not Require Uniformity:

And what I mean by this is that protecting our democracy does not require uniformity – we can “see differently together.” Where you stand is often a function of where you’ve been sitting. Thus, I’ve found that our lived experiences will often dictate how we view the world. But democracy does not require that we share an entire world view. It’s enough if we can agree that “we’re all in this together,” and that “we all want our children, for example, to thrive and succeed and be healthy.” And so “seeing differently together” simply requires that we try to find those basic, unifying principles and then work on ways to achieve those goals. I recognize that this is not easy; especially in this polarized time we live in. We have to work at it. We have to be intentional. We must recognize that we are each better people and our

communities are better, if others inform it. That we are enriched by the shared experiences of others. And so I want to leave you with three suggestions for how we can more effectively “see differently together” as we recommit ourselves to forming that “more perfect union.”

1. Focus on what unites us

For the Court – what unites us – irrespective of ideology and judicial doctrine – is an abiding respect for the Court as an Institution. To a person, we feel an obligation to maintain the integrity of the Court, both in how we deliberate and the decisions we ultimately issue. That commitment to the Court as an institution, often trumps what we feel or might want to say or do as individuals. And that commitment manifests itself in adherence to a basic collegiality – we make a point not to be disagreeable even when we disagree. It applies both when we are speaking with one another personally, as well as when we “speak” to one another for example, in a dissenting opinion. We refer to one another as “Justice” when we are in conference discussing a case because it signifies of level of respect for the speaker.

That said, collegiality is not always easy: we are deciding controversial cases that will be the law in Minnesota for years, even decades to come. Emotions run high at times; and sometimes we disagree sharply with one another. But that shared, core value of institutional integrity always brings us back where we need to be. So in your classrooms and your communities, hone in on the values that unite you and work from those shared values. Then, when the inevitable disagreement arises and nerves are frayed—you’ll have a foundation for possible consensus, and equally important, you’ll keep the relationship intact.

## 2. Be an active listener

We have to work at being an active listener; especially with people with whom we disagree; because it's human nature to do the opposite; to be ready to jump in with some smart rebuttal before the other person even finishes a sentence. But we can't really "hear" people if we're focused on the smart "come back." I believe that we foster trust and keep the lines of communication open by practicing intentional, compassionate listening—especially to viewpoints that we don't necessarily share. In the legal profession, even losing parties will often say they felt vindicated despite the outcome because their attorney and the judge took time to actually listen to them and consider their stories, and give "voice" to those stories in a venue – the courtroom – that is foreign to many people and for which they are ill-prepared.

And if that be so, let me suggest that it is not productive to say "I can't believe you actually think that!" Instead, try: "I hear you and understand you to be saying . . .," "I value that point, but I disagree," "I appreciate your point, but I come to it from THIS perspective and it leads me to a different conclusion." "I'm not sure I understand your position; can you say more." "Your position doesn't seem to take into account XYZ – how would you address that?"

Higher education has an incredibly important role in encouraging people to work together to solve problems and enrich our communities. As teachers, you can engage all ideas in your classrooms, thereby fostering healthy debates and encouraging students to listen to one another respectfully. Thus, it is critical to build in discussion

time and allow students to share their views, experiences and stories with one another. And finally, we can “see differently together” when we are willing to acknowledge a truth, even if it is not our own truth.

3. Be willing to acknowledge a truth, even if it is not *your* truth

I firmly believe that we have to “name” or acknowledge problems before we can address them or move beyond them. I suspect that’s why at Alcoholics Anonymous meetings, people introduce themselves by saying their name and that they are an alcoholic. And as a nation, if we’re serious about addressing systemic problems we have to honestly acknowledge that they exist, that certain events have happened, that they caused pain and people were injured. And that for some, they’re still happening, they’re still causing pain and people are still being injured. If we will get beyond this country’s sordid history of racism and anti-Semitism, we cannot, for example, deny the Holocaust, the Japanese internment camps or this country’s history of Jim Crow segregation – particularly when we see those same hatreds being played out once again in Pittsburgh, New Zealand and Charlottesville. Or the incident involving the black student at Yale that I spoke of earlier. We cannot be a historical or a-contextual about people’s lived experiences. Being willing – and it truly is a matter of the will – to see someone else’s pain; is critical to building trust in relationships that are fraught with distrust. We cannot advance our communities or our nation unless and until we are willing to examine and call out its shortcomings – be they intentional or unintentional – so that we can identify common solutions and move forward.

III. Call to Action:

So today, I leave you with two requests. That you:

- Develop a “jealous anxiety” about this country and its ideals – such that you will be a vigilant, active participant in promoting and protecting those ideals
- Seek for others the justice/rights/privileges you demand for yourself.