

Stephen E. Sachs
Remarks on Receiving the Story Award
March 14, 2020

I am deeply, deeply grateful to receive the Federalist Society's Story Award. This is an extraordinary honor from an extraordinary group of people, and I'd like to take a few moments of your time to explain why.

First, I'm honored to be associated with what's really a glittering pantheon of past recipients. Reading over the list of names from prior years is a humbling experience—it's perhaps the greatest collection of legal academics ever assembled, with the possible exception of when Joseph Story dined alone.

Second, I'm honored to accept a prize named after Joseph Story, who truly exemplifies the ideals for which the prize is given.

He was a supreme court justice of extraordinary influence, a legal scholar of the first order, a government official who struggled to do justice under law, and—closest to my heart—the author of *Swift v. Tyson*, forcing first-year Civ Pro students to learn about the general law of negotiable instruments even unto the present day.

Third, I'm honored to receive this award from the Federalist Society, which similarly combines a commitment to intellectual discovery with real-world accomplishment.

I wanted to become a lawyer, partly from my dad's example, but also because, as a lawyer, you could go into a library, do some research, make an argument—and the hope is, at the end of it, the world would be different. This is the ideal that Hamilton described in the very first paragraph of *The Federalist No. 1*—that societies might be capable of “establishing good government from reflection and choice,” and not “forever destined to depend for their political constitutions on accident and force.”

I don't know of any other organization, in America or elsewhere, whose members are simultaneously at the forefront of serious scholarship and at the forefront of government in quite the same way.

Finally, I'm particularly honored to receive this award because it shows something very special about FedSoc, something that's unfortunately in diminishing supply today.

When I was a student, I wasn't sure about joining FedSoc. I was still figuring out what I thought about things; I would have never attended one of these symposia; and I would never have expected to receive an award like this one.

But one of FedSoc's true advantages, and the point I want to leave you with tonight, is that this openness, this willingness to bring people in to think things through and get to better answers, is its extraordinary strength.

By current standards, FedSoc's politics are wildly diverse: they run the whole gamut from conservative to libertarian! That might not seem like much. But what it means is that, on any *one* issue, you can find *someone* in FedSoc who passionately but respectfully disagrees with you.

That's true for controversial issues, like abortion or same-sex marriage or presidential candidates.

And it's true for even more controversial issues, like economic liberty or industrial policy or the unitary executive or whether *Erie Railroad v. Tompkins* should be overruled. (Which it should.)

FedSoc has made the choice, and it's a deliberate choice, not to make endorsements or write manifestos or establish litmus tests. There are no Thirty-Nine Articles which every one of you had to sign. Instead, there are just broad commitments—including a commitment to discussion, to reasoning together, as the way to get things right.

Now, FedSoc isn't just a debating society: there really are positions that most people in it share. And these ideas *matter*.

The point of FedSoc is not just to have a good time talking (though we do).

And it's not just to find people you agree with (though that can be a comfort).

It's actually to reach the truth, talking it over with those with whom you share enough to make your disagreements meaningful.

In an age when disagreement is often treated like disloyalty, and when curiosity is often confused with cowardice, a commitment to open discussion and truth is like water in the desert.

So I want all of you, once classes restart and discussions begin again, to remember that there's a difference between reasoning and lobbying;

to remember that it's okay to see two sides of an issue, even when your friends and peers see only one;

and to remember that the best way to make a difference in what others believe is often to be willing to have your own views changed as well.

I want to conclude now by giving thanks:

- to my students and colleagues at Duke;
- to the many of you in student chapters who have invited me to speak;

- to the Faculty Division, Lee Otis and Anthony Deardurff, who have always encouraged me;
- to my professors and mentors—Thomas Bisson, Charles Donahue, Akhil Amar, John Langbein, Henry Hansmann, Ernie Young, Judge Stephen Williams, and Chief Justice Roberts—who helped me grow as a scholar;
- to my coauthors and kitchen cabinet, who share some of the credit and some of the blame;
- and finally to my family, especially to my wife Amanda, who has supported and stood by me all the way through.

Thank you.