

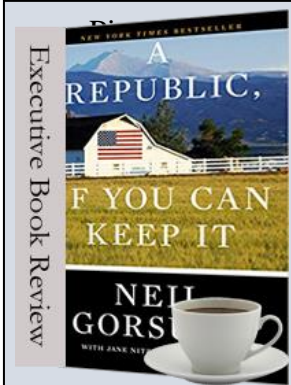


Book # 122
Event # 228 & 229

A Republic – If You Can Keep It

by Neil Gorsuch

Reviewed by Robert Schmidt



About the Author

Neil M. Gorsuch is an associate justice of the Supreme Court of the United States. A Colorado native, he served as a judge on the U.S. Court of Appeals for the Tenth Circuit, which is based in Colorado and hears appeals from six western states, before his appointment to the Supreme Court in April 2017. He has also worked as a senior official at the U.S. Department of Justice, where he helped oversee its civil litigating divisions; as a partner at a law firm; as a law professor; and as a law clerk for Justices Byron White and Anthony Kennedy.

About the Book

“Every American should read this book—especially those who think they disagree with Justice Gorsuch. . . . Whether readers end up agreeing or disagreeing with Justice Gorsuch’s ideas, our republic will be richer for readers having considered them.”

—**U.S. Circuit Judge Amul Thapar**

“Justice Gorsuch has written a temperate book, with civility shown to all. Such fairness, though, does not reduce the fervor with which he urges that we keep this country a republic.”

—**National Review**

The Book’s ONE THING

For the American republic to have any chance of continuing, we must be able to listen as well as speak, to learn as well as teach, and to tolerate as well as expect tolerance.

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Supreme Court Confirmation

“By the end of it all, I came to realize that some today perceive a judge to be just like a politician who can and must promise (and then deliver) policy outcomes that favor certain groups. They see the job of a judge as less about following the law and facts wherever they lead and more about doing whatever it takes to “help” this group or “stop” that policy. And it struck me: It’s one thing to worry some judges might aggrandize their personal preferences over a faithful adherence to the law; but it’s another thing to think judges should behave like that.”

- Neil Gorsuch

“As my confirmation process unfolded, I came to worry that our civic understanding about these things—about the Constitution and the proper role of the judge under it—may be slipping away. At our founding the people fought a revolution for the right not to be ruled by a monarch or any other unelected elite, judges included. They wanted to rule themselves.

They knew the right of self-government promised many gifts. The right to chart our own destiny as a people. To speak our minds, work as we wish, exercise our own faiths or none at all, pursue happiness as we see it, and secure a more promising future for our children. And to do all this in a culture that cherishes differences and aspires to assure equal treatment under written law. The framers also knew that with a republic comes responsibility.

Self-government is a hard business and republics have a checkered record in the court of history: Often they flicker brightly only to dim quickly. To succeed where so many others had failed, the framers understood that our republic needs citizens who know how their government works—and who are capable of, and interested in, participating in its administration.

We won’t always agree about the right policies for the day. That’s to be expected, even treasured. After all, the capacity to express, debate, and test all ideas is part of what makes a republic strong. But to have any chance we must be able to listen as well as speak, to learn as well as teach, and to tolerate as well as expect tolerance.”



This republic belongs to us all—and it is up to all of us to keep it. I think that’s what Benjamin Franklin was getting at when he spoke publicly after he emerged from the Constitutional Convention. A passerby asked what kind of government the delegates intended to propose, and Franklin reportedly replied:

“A republic, if you can keep it.”



Our Constitution and its Separated Powers

“How does this Constitution sound? In lengthy and exacting detail it provides every right you could possibly hope for. It promises the “inviolability of the person” and the “privacy of correspondence,” the rights to vote and run for office, and freedom of religion, “speech, the press, assembly demonstration and association.” It even guarantees the right to an education, free medical care, and “relaxation.” I’m not kidding. Sounds great, right? Maybe even a big improvement over our own comparatively stingy Constitution? Well, the Constitution I’m quoting from is Democratic People’s Republic of North Korea.

I could easily recite similar passages from the Constitution of most any communist country: They all sound about the same. But everyone knows that the promises found in these documents aren’t worth the paper they’re written on. What would someone dragged from his bed in the middle of the night at the behest of the latest “Dear Leader” think about the right to “inviolability of the person”?

Our founders had plenty of experience with a tyrannical ruler. More than a few in the founding generation suffered at the hands of a capricious king, thrown in jail (or worse) without a fair trial. From their own experience and understanding of history, the framers knew that to prevent the rule of law from becoming the rule of men more is required than a Constitution full of nice promises. What’s needed is a Constitution that counteracts the instinct to seek and misuse power, one that secures individual rights not so much by their enumeration as by real structural limits on the power of government and those who run it.

To this end, the framers divided the powers of the federal government into three branches. It was a radical innovation at the time, and it may be one of their most important contributions to human liberty.”

“When the separation of powers goes ignored, those who suffer first may be the unpopular and least among us...but they are not likely to be the last.”
- Neil Gorsuch

Legislative	Executive	Judicial
<ul style="list-style-type: none"> • The power to create new rules and laws • A forward-looking function aimed at responding to new social and economic problems as they arise • They divided this power between the Senate and House of Representatives to limit the impact of any individual or small group 	<ul style="list-style-type: none"> • The president’s job is to “execute” the laws • The power is given to a single person chosen by the nation as a whole • The president establishes a cabinet of advisors who assist in executing the laws of the land 	<ul style="list-style-type: none"> • A Supreme Court with guaranteed life tenure and salary protections • To ensure the steady, upright and impartial administration of the laws, even and especially for vulnerable and unpopular persons • This is balanced with a jury system for deciding local questions by juries drawn from the community responsible

The Judge's Tools: Originalism and the Constitution

- Originalism: The Constitution should be read in our time the same way it was read when adopted.
- Living Constitution: the conviction that the Constitution's meaning changes over time and that judges should determine what changes should be made based on external policy considerations.

The Art of Judging: On Courage

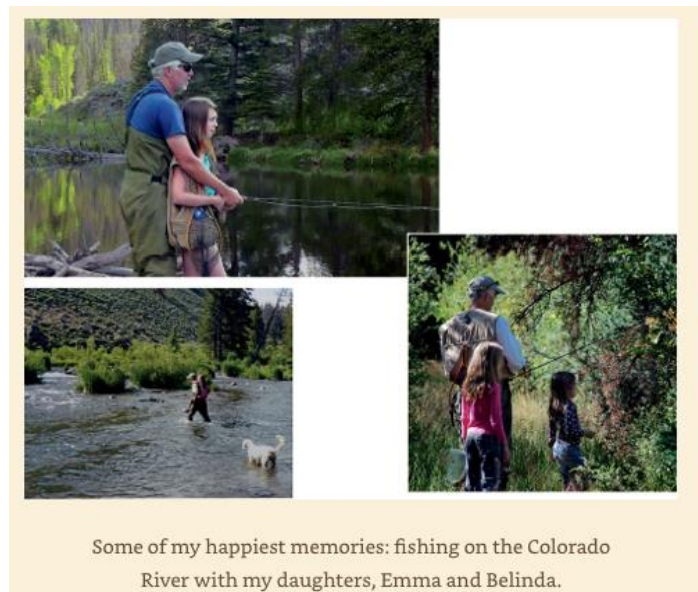
“What I mean by courage is what Atticus Finch meant by it in *To Kill a Mockingbird*. You may remember that Finch defended an African-American man wrongly accused of raping a white woman in Alabama during the Great Depression—and that in taking on the representation he faced criticism and threats from his friends and community. As he told his daughter in the book: “I wanted you to see what real courage is, instead of getting the idea that courage is a man with a gun in his hand. It's when you know you're licked before you begin but you begin anyway and see it through no matter what.”

Toward Justice for All: Law's Irony

“In my own career as a trial lawyer, I saw time and time again the same wisdom of juries Adams did. Twelve people working together in good faith can see and hear more of what's happening in a courtroom than any single person might. They bring the common sense of the sovereign people to bear, cutting through legalese to the heart of the matter. They take their oaths seriously. They witness the judicial system up close and usually come away with a new appreciation of it. Experience on a jury is often the closest most people ever get to participation in their own government. All that is lost when trial by jury dies.”

On Ethics and the Good Life: A Tribute

“Some time after I joined the Tenth Circuit, the University of Colorado Law School asked me to teach a course on legal ethics. Now, I know, some may wonder whether the course's very title amounts to an oxymoron. But my immediate reaction was a little different. I believed the course important to the development of sound professional values. At the same time, though, I thought the class was supposed to be taught by some graying, battle-worn practitioner who could tell war stories to scare students straight. But then I looked in the mirror...and I signed up.”





From Judge to Justice: The Front Porch

“During my confirmation hearing, this question caught me off guard. It was a very personal one, but at the same time a very substantive one about all the subjects touched on in this book. It was a question about the front porch.”

(From Senator Ben Sasse of Nebraska)

SENATOR SASSE: Let us engage in a little thought experiment. Thirty or forty years from now when you retire and hang up your robe, and you are out fishing or sitting on the front porch of your surely lovely home, and you look back over your career, how will you know if you were a good judge?

JUDGE GORSUCH: I presume gingerly that you will look back on your career and say I accomplished this piece of legislation or that piece of legislation and changed the lives of the American people dramatically as a result. But as a judge looking back, the most you can hope for is you have done fairness to each person who has come before you, decided each case on the facts and the law, and that you have just carried on the tradition of a neutral, impartial judiciary. That is what we do. We just resolve cases and controversies. Lawyers are supposed to be fierce advocates, and I was once a fierce advocate for my clients. But a judge is supposed to listen courteously and rule impartially. So, frankly, my legacy should look and will look a lot smaller than yours, and that is the way it should be. That is the way the Constitution works.



Justice Kennedy administers the Judicial Oath in the Rose Garden with Louise holding the family bible on April 10, 2017. It marked the first time a justice and his former clerk came to serve as colleagues.



A Retrospective of our last ten books ONE THING

The Power of TED	Shift happens when we break out of the default mode of victim and adopt the creator mode of being.
The Memo	Women of color and underrepresented groups are sometimes at a disadvantage in the workplace especially when it comes to securing high level positions. Become aware of your unconscious bias.
Made to Stick	Sticky messages of all kinds, whether true or false, draw their power from the same six principles: 1. Simplicity 2. Unexpectedness 3. Concreteness 4. Credibility 5. Emotions 6. Stories. "As we pored over hundreds of sticky ideas, we saw, over and over, the same six principles at work" From Made to Stick
Occasional Magic	"Educating the mind without educating the heart is no education at all." Aristotle
The Surrender Experiment	Surrender is about peaceful acceptance, listening and being open to what life is putting in front of you. Surrender is not passive.
Work is Love Made Visible	Leaders should focus on who they are, not just on what they do. Recognize your purpose in life!
Think and Grow Rich	"All achievement, all earned riches, have their beginning in an idea!" It is what you APPLY in life that will CHANGE your life.
7 Essential Traits of Coaches	Integrate more Coaching Traits and Best Practices in Developing Your Unique Leadership Coaching Style.
Talent is Never Enough	If you want your life to be a magnificent story, then realize that you are its author. Every day you have the chance to write a new page in that story. I want to encourage you to fill those pages with responsibility to others and yourself. If you do, in the end you will not be disappointed." John Maxwell
Big Magic	Creativity is a paradox between sacredness, and unimportance, between fear and courage, between art as a crushing chore and as a wonderful privilege. Only when we are at our most playful can divinity finally get serious with us. Make space for all these paradoxes to be equally true inside your soul, and you can make anything. The treasures that are hidden inside you are hoping you will say yes.



Let's Pan for Some Gold

What thought, or idea had the biggest impact on you today?

What is your ONE THING? What one specific action you will take TODAY from what was discussed?



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Calendar of Events

San Antonio	San Antonio	Corpus	Houston	San Antonio	West Side
"1st Friday"	Wine & Cheese	2nd Tuesday	4th Thursday	"4th Friday"	3rd Wednesday
7:30AM	5:30 PM	5:30 PM	11:30AM	8:00 AM	12:00 Noon
Wittigs	Haworth Smartworld	Wittigs Haworth	Wittigs Haworth	Alpha Home	American Sunrise Good Samaritan
3-Apr	8-Apr	14-Apr	23-Apr	24-Apr	15-Apr
Marisa Ortiz Big Magic	Robert Schmidt A Republic. If You Can Keep It	Robert Schmidt A Republic. If You Can Keep It	Pat Whitty Man's Search for Meaning	Pat Whitty Man's Search for Meaning	Robert Schmidt The Alchemist
1-May	13-May	12-May	21-May	22-May	20-May
Pat Whitty Emotional Equations	Malcolm Coon Sapiens	Malcolm Coon Sapiens	Judith Cutright The Obstacle is the Way	Judith Cutright The Obstacle is the Way	Catherine Lester Power of Moments
5-Jun	10-Jun	9-Jun	25-Jun	26-Jun	17-Jun
Pat Whitty The War of Art	John Rugh Education of Millionaires	John Rugh Education of Millionaires	Robert Schmidt Talking to Strangers	Robert Schmidt Talking to Strangers	Marisa Ortiz The Four Agreements