

**THE THIRTIETH KENNETH J. HODSON LECTURE ON CRIMINAL LAW<sup>1</sup>****THE HONORABLE MARC F. RACICOT, FORMER GOVERNOR OF  
MONTANA<sup>2</sup>**

Thank you very much and good morning to all of you. I'm delighted to be here this morning, with a little trepidation, I would have to admit. It's my great hope that we might have an opportunity to have some conversation and discussion as we proceed through the morning so that I might be responsive to the issues or thoughts that you think are relevant and important.

As any good trial lawyer knows, of course, you need to set the record straight from the very beginning. In his introductory remarks, Lieutenant Colonel Garrett<sup>3</sup> pointed out that I participated in basketball throughout my youth, and that on one occasion I set a record for the number of assists tabulated at the small school that I attended in Montana. I couldn't shoot, and as a consequence of that, I had no other options. My father was my basketball coach, both in high school and college. In fact, some people said that the only reason I played was because my father was the coach. He used to tell me, "Marc, just remember, you're not big, but you're slow."

My father was entirely correct. What he was suggesting was something that I had reaffirmed when I was here at The Judge Advocate General's School twenty-nine years ago, not in this particular building, but on the University of Virginia campus itself, attending the 69th Judge Advocate Basic Course. That is, in the end, teamwork, being a part of a mission

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1. This article is an edited transcript of a lecture delivered on 11 April 2002 by the Honorable Marc F. Racicot, former Governor of Montana, to members of the staff and faculty, distinguished guests, and officers attending the 50th Graduate Course at The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia. The Kenneth J. Hodson Chair of Criminal Law was established at The Judge Advocate General's School on 24 June 1971. The chair was named after Major General Hodson who served as The Judge Advocate General, United States Army, from 1967 to 1971. General Hodson retired in 1971, but immediately was recalled to active duty to serve as the Chief Judge of the Army Court of Military Review. He served in that position until March 1974. General Hodson served over thirty years on active duty, and he was a member of the original staff and faculty of The Judge Advocate General's School in Charlottesville, Virginia. When the Judge Advocate General's Corps was activated as a regiment in 1986, General Hodson was selected as the Honorary Colonel of the Regiment.

with others, being engaged in conflicts that allow for the best instincts and efforts of those that you have the opportunity to share time and effort with, ultimately end up making a very critical difference in whether or not you're capable of achieving success.

I need to start with a preface this morning. The context within which remarks are offered to you, or thoughts or intuitions are provided, has a great deal to do with a person's personal history. Consequently, I want to share a little bit of that with all of you this morning so that you can place my thoughts in their proper context.

I need to tell you first of all that I consider it a very high privilege and great honor to be invited to participate in the Hodson Lecture series. I, of

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2. Born in Thompson Falls, Montana, the Honorable Marc F. Racicot grew up first in Miles City and then in Libby, Montana, graduating from Libby High School in 1966. He received his B.A. in English from Carroll College in Helena, Montana, in 1970. He received his Juris Doctorate degree in 1973 from the University of Montana School of Law in Missoula, Montana.

As an Army ROTC graduate, Governor Racicot was assigned to the Judge Advocate General's Corps and entered active duty following his graduation from law school. His first assignment, after entering active duty at Fort Lewis, Washington, was as a trial counsel with the Theater Army Support Command in Worms, West Germany. He later became the Chief Trial Counsel at the 21st Support Brigade in Kaiserslautern, trying cases in the largest geographic military jurisdiction in Europe.

Upon his release from active duty, he returned to Montana in 1976 and served as a deputy county attorney for Missoula County. The following year he became a state assistant attorney general and Montana's first Special Prosecutor. From 1977 to 1988, he prosecuted criminal cases for county attorneys all across Montana.

Governor Racicot was elected as the attorney general for Montana in the fall of 1988. He served as Montana's attorney general until 1992 at which time he successfully ran for Governor. On 4 January 1993, he was sworn in as Montana's 20th Governor. He was re-elected to a second term in 1996.

In February 2001, he became a partner in the Washington, D.C. office of the Texas-based law firm Bracewell & Patterson, where his legal practice focuses on government relations and public policy resolution.

He currently serves on the Boards of Directors of Jobs for America's Graduates and the Corporation for National and Community Service. He is also a member of the Board of Visitors of the University of Montana School of Law, and is the immediate past chairman of America's Promise—The Alliance for Youth, which was founded and previously chaired by Secretary of State Colin Powell. Governor Racicot was nominated by the President and unanimously elected Chairman of the Republican National Committee in January 2002.

Governor Racicot has received honorary doctorate degrees from Luther College, Gonzaga University, Carroll College, and the University of Montana. He is married, has five children, and three grandchildren.

3. Lieutenant Colonel James Garrett, Department Chair, Criminal Law, The Judge Advocate General's School, Charlottesville, Virginia.

course, attended the second lecture in the fall of 1973. Colonel Squires<sup>4</sup> and I were remembering earlier, although quite frankly we didn't have an independent recollection of everything that occurred during those days, that we were both a part of the same basic class, the 69th basic class from August to October 1973. That was almost twenty-nine years ago. How time flies when you're having fun!

Colonel John J. Douglass<sup>5</sup> was the Commandant of the JAG School at that point. There are also others in attendance here today that were at the JAG School then. Major Gilligan<sup>6</sup> was one of the professors, as were Captains Lederer<sup>7</sup> and Imwinkleried,<sup>8</sup> all part of a brilliant faculty that was preparing us before we were dispatched into our various different venues to engage in the practice of law in the United States Army. Their aim was to ensure that we became the best Army lawyers that we could possibly be. I must tell you that I have been grateful for that experience, for their patience and their scholarship, virtually every single day for the past twenty-nine years.

I was not always grateful, however, for the exercise of discretion by then Major William Suter,<sup>9</sup> who was making all of the assignments and dispatching us to various parts of the world. I can remember graduating from law school, and two days later, orders were delivered to my home. I can remember with great clarity and precision my first conversation with Major Suter and asking him what I was supposed to do. He said, "Well, report for duty, of course." I responded, "But I wasn't scheduled to go until August." And he said, "Well, that's the way things work sometimes, isn't it?"

So I did, in fact, report for duty. Major Suter sent me to West Germany, and Colonel Charles Taylor, my first Staff Judge Advocate, assigned me to the Criminal Law Division, although that was not what I anticipated. Captain Daniel T. Brailsford, with whom I had a conversation just a few

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4. Colonel (Retired) Malcolm "Mac" Squires.

5. Colonel (Retired) John J. Douglass served as the Commandant of the JAG School from 1970-1974.

6. Colonel (Retired) Francis A. Gilligan.

7. Francis I. Lederer, currently Chancellor Professor of Law, William and Mary School of Law.

8. Edward J. Imwinkelried, currently Professor of Law at the University of California, Davis.

9. Major General (Retired) William K. Suter ultimately served as Acting The Judge Advocate General from 1989-1991. He retired from active duty in 1991.

days ago, made me a prosecutor. Those experiences shaped my life profoundly and forever. I'm absolutely delighted that I get the opportunity to share with you some of the thoughts gathered throughout these last twenty-nine years, beginning with the opportunity and privilege of being exposed to the teaching and scholarship here at The Judge Advocate General's School.

I was raised in a very small town in northwestern Montana and never envisioned that I would be this far away from home. I've spent virtually all of my life, with the exception of my military service in West Germany, in the state of Montana, up until a year and a half ago. There were, and still are, seven children in my family. I was then, and as I realize now, still am, the oldest of those seven children. There were six boys and one girl. Two of them were adopted. My brother Philip was Korean, and the only girl of that brood, my sister Aimee, was also adopted. My father, as I mentioned, was a high school basketball coach, and my mother, without any military training whatsoever, was in command and control of the household from the very beginning.

We grew up in a small house on Larch Street, where it seemed as if there were parents virtually everywhere, throughout the entire neighborhood that we grew up in. We had the benefit, I think, of feeling very secure and very safe, growing up in what we perceived to be a very stable rural setting. I am the son of a Marine and World War II veteran. Although he never confessed to it, I'm certain that he was terribly disappointed that I ended up being an officer in the United States Army, rather than in the United States Marine Corps.

With that background, let me share a few thoughts with you. It's my hope that they are relevant, which was one of the things that Major Gilligan constantly focused upon when we were in his charge here at the JAG School.

I've learned these lessons of relevance so many different times. The most recent of which occurred the last week that I was serving in office in the State of Montana. I went to read to a third grade class, and there was a little girl who had been called upon to make a presentation on the human body. I arrived, uncharacteristically, early. This was a very serious assignment that she had received. You could tell by all the outward signs. She was dressed in, I believe, one of her finest dresses and she had her hair curled and with ribbons. She had a very stern countenance, a pointer, and

she had prepared, allegedly, a diagram of the human body, hanging right behind her.

She began her discussion by saying, “There are three parts of the human body. The first part is the head, and that’s where the brain is, if any,” which I took probably to be an editorial comment by one of her parents, at some point. Then she said, “The second part is the chest, and that’s where the heart is.” Finally she mentioned, “The third part is the stomach, and that’s where the bowels are, and there are five bowels, A, E, I, O, and U.” It made me realize once again, that it’s very important to have information, but it’s just as important to provide it in a relevant and connected context. It’s my hope to live up to those expectations this morning.

I reported for duty in West Germany, to be of service in a capacity unknown to me at the time, but would become the center focus of my life in very short order. I was assigned as a prosecutor immediately upon arrival. I don’t know if any of you had a similar feeling, but when I exited law school, it appeared to me that there was a certain presumption that almost every graduate of law school expected to serve as a defense lawyer at some point. Defending, of course, all of those grand and spectacularly important constitutional principles embedded, not only in the framing documents of this nation, but also within the psychological dynamics that all of us have come to recognize as being a part of our American society. When I informed CPT Brailsford that I hoped to provide defense services someday, he told me that was certainly possible, but before that time, if I was going to learn the skills necessary to provide an adequate defense, I needed to make absolutely certain that not one soul, not one innocent soldier was going to suffer as a result of my incapacity or inexperience.

It didn’t take long before I realized how I loved the prosecution function. I loved the courtroom, and I loved the process of investigating the mystery of a criminal case, and the competition that was borne out of the process of meting out justice. Although I know that was not supposed to be the main focus of our efforts, nonetheless, it certainly provided inspiration as I engaged in working with others to present a case before an impartial court or tribunal. It was not very long before I decided that I wanted to dedicate my life’s work to the prosecution function.

If you will remember, and I’m sure you will from your study of history, the Military Justice Act of 1968<sup>10</sup> was not that old when I first entered

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10. Pub. L. No. 90-632, 53 Stat. 1335 (1968).

into the arena as a prosecutor, and of course the *Manual for Courts-Martial* framed in 1969<sup>11</sup> was relatively new as well. Military justice had been through a rather tumultuous history and evolution, however, as we've moved from our practices and exposures during World War II to the creation of the first *Manual for Courts-Martial*; the Uniform Code of Military Justice in 1950<sup>12</sup> that became effective in 1951; and then after a vast amount of experience over the next several years, the efforts undertaken and ultimately the doctrines contained within the Military Justice Act of 1968, which was further defined by the *Manual for Courts-Martial* of 1969. All of this led to a very rapid evolution of military law over a relatively short period of time. So in many ways, I was involved with an entirely new practice of law as we were experiencing it around the world and throughout all of our military installations.

Being assigned in Germany, of course, meant that the same rules that pertained to the trial of military offenses did not pertain there because the Federal Republic of Germany provided waivers of jurisdiction that allowed for military investigative authorities and the prosecution function in our courts to, in essence, assume primary jurisdiction of virtually every offense committed by a service man or service woman. As a result, in a very short period time I was in the middle of trying everything from homicides to drug offenses.

You'll also recall, I'm certain from your memories of history, that this was a difficult time for the United States Army, for all of the Armed Forces. When I was first entering high school in 1962, I have to confess to you, I don't have a memory of Vietnam being a topic of discussion. It was shortly thereafter that Vietnam was the main topic of discussion. Throughout the time I was in college Vietnam became a matter of great consternation and mystery for virtually everyone in the United States. It became particularly difficult for the men and women who were serving us in uniform.

Growing up as the children of parents who lived through the Depression and World War II and imbued with the understandings and intuitions of what it meant to serve, we expected to be of service to this nation. It was a grand and glorious enterprise to be a man or woman serving in one of the branches of the Armed Forces. It was assumed that we would become a part of that effort as we grew older and became adults. All of

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11. MANUAL FOR COURTS-MARTIAL, UNITED STATES (1969).

12. Pub. L. No. 81-506, 64 Stat. 108 (1950).

that, of course, was questioned in the late '60s and into the early '70s. This was a difficult period of time. I can remember when the first lottery was conducted. I was involved in the first lottery to determine who would report, at what points in time, rather than going through the traditional Selective Service process, to be one of those chosen for active duty service. And, of course, the all-volunteer Army came about during my period of service.

Richard Nixon resigned during my period of service. Watergate was the focal point of and the object of daily discussion. It seemed that we were on alert constantly and continually for some period of time. The battle theory at that moment, with the Cold War raging, was that the Fulda Gap in West Germany would be the first point of entry into the European Theatre by foreign troops. Consequently, a great many dynamics, that have not been repeated since, made it very challenging for the men and women in uniform during that time, which translated ultimately into a great deal of criminal conduct, particularly in West Germany.

We had in excess of 500,000 Americans living in West Germany then. Not all troops, but with families, the number rose to a very large number. Consequently, we had a very active trial calendar. My recollection is that we had between twenty and thirty trials a month in the command that I was serving in. So I was exposed very quickly in a very busy fashion to an evolving system of justice and to a number of very challenging dynamics. It was a very exciting time to be assigned those responsibilities.

I began my assignment in West Germany by writing pre-trial advices and post-trial reviews. I don't think any exercise taught me more than the discipline that came with being engaged in those particular assignments. I took great pride in trying to craft an initial draft that either Colonel Taylor or Colonel Culpepper did not mark up to the point that I couldn't recognize it when I got it back. Eventually, I was finally able to get to that particular record of achievement. But I can tell you plainly, that if one period or comma was out of place, in addition to one sentence framed incorrectly or the evidence improperly described, each of those Staff Judge Advocates would find out, and certainly would provide me an opportunity to learn how important it was to be thorough and complete and disciplined and to communicate effectively in oral as well as in written fashion.

Some would say that that experience has released a deleterious influence on the remainder of the planet because now I have every inclination and every desire to edit virtually anything ever submitted to me in the form

of a draft. I found, however, that the discipline that came with that exercise has served me exceptionally well.

Let me give you a couple of examples. When I became governor I found myself supervising thousands of employees, and although the government for the State of Montana is certainly not as large as others, I think in the relative context, management dynamics remain the same. When you receive correspondence, virtually from all over the planet, people expect that you're going to know and understand what is going on so that you might respond to them in an appropriate fashion. You want to make sure that you're competent and capable in every regard, and that you're thoughtful and sensitive in your response to the people who have entrusted you to serve them. You must know what is going on with all of the agencies under your command.

The simple writing exercises that I learned and was taught as a member of the Corps and had reinforced time and time again by my superior officers ended up serving me exceptionally well in ways that may not be spectacular in the minds of virtually everyone, but I can tell you have critical importance. Every letter I received, I read. Every letter that I received and read, I sent for a draft to be prepared by those working with me in the various different agencies. Every one of those letters I reviewed, edited, and crafted in a way that allowed me to feel a sense of pride about returning that letter to one of my fellow citizens who entrusted me for a short time to be in their service. I cannot tell you how frequently the person who had written that letter, ultimately, I would meet. We would have an opportunity to discuss the issue or object that was a matter of concern to him or her, and I would remember in detail exactly what had taken place.

I know this is a mundane recollection of sorts, but I need to share this particular lesson with you because I believe the way that I was trained, and the experience that I received in everything from the spectacular to the mundane while I was an officer in the United States Army Judge Advocate General's Corps, just profoundly and everlastingly influenced what I've done virtually every day of my career since then. I learned so many lessons. The persuasive capacity of scholarship and hard work is one of those lessons. Here at the JAG School and in my service I learned that lesson most profoundly.

I did not graduate at the top of my law school class. I didn't graduate in the middle of my law school class, so that doesn't take you long to realize where it was that I did graduate. But what I learned was that if I worked



hard, and if I set about to be prepared on every occasion, in every instance, that I could be as capable and as competitive as virtually anyone else. And I learned that here. I learned that during my period of service. I learned about the quality and character of justice most profoundly.

I have to confess to you, parenthetically, that I've been elevated and moved substantially by those who have offered critiques of the military justice system of late by those who have never been exposed to it and have never practiced in it. They don't realize how advanced and capable it is of meting out justice thoroughly and completely, almost without exception.

I learned about the quality and character of justice as an Army JAG officer. What does that mean? It means that I learned about the incredible power of the prosecution and of the government to bring charges. But in the United States Army, those charges and that investigative process were given serious scrutiny by a multiple number of different levels of review. First of all, very capable and competent people performed the investigative function; highly trained investigators. When I was in West Germany, I worked with the Federal Bureau of Investigation, the Drug Enforcement Agency, the Central Intelligence Agency, and the security and military police assigned to different installations. These were highly capable and skilled investigators who held themselves to an exceptionally high level of performance and who believed in the Constitution, as it was written, and in the protections provided therein.

Even without that level of review, another level of searing scrutiny was provided. When those charges ultimately came out of the investigative branch and before the criminal law division, they were again subjected to a very, very intense review. Thereafter, if an Article 32 investigation was initiated, another investigation occurred, and then another by the chief of the criminal law division and another by the Staff Judge Advocate before the case was presented to the convening authority. All of this occurred before any charge was referred for court-martial. In addition to that, although the civilian courts had just recently discovered *Miranda*,<sup>13</sup>

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13. *Miranda v. Arizona*, 384 U.S. 436 (1966).

rights warnings had been a part of the fabric of military justice since 1951.<sup>14</sup>

What I learned, first at the JAG School and throughout my years of service, was about the quality and character of justice, and about the awesome power of a prosecutor. That led me to impose very high standards all of my years as a prosecutor. Requiring the police and the investigative agencies to do their job and to do it right, to observe the rules carefully, and to make absolutely certain that we were involved in the process of providing justice, not merely winning convictions.

I learned about the burden of proof here at the School; why it was needed and necessary. Colonel Taylor would require me to come in and explain the recommendation that I had made in his pre-trial advice. Why, in my judgment, there was sufficient evidence. This process required me to go through and break down, in subtle detail, every single fact that militated toward the conclusion that this particular soldier was guilty as charged. I cannot tell you the number of times that I have practiced what I was taught, and how many times it made a critical difference.

During my trial career I handled about fifty to sixty different murder cases. Over time, I tried from the selection of jury until a verdict probably seventy different very serious felony cases. Almost inevitably every single one of those cases turned on a subtle fact, something that I usually discovered in review of the evidence that had not been discovered upon first review. So being required by Colonel Taylor and Colonel Culpepper to explain in minute detail every single fact that militated toward the recommendation I made to them profoundly influenced my practice and the ability, ultimately in my view, to achieve justice.

I mentioned communicating in written form, but we were tested constantly and continually in oral form as well. So many different lessons. I can remember it was very easy to tell when Major Herbert Green had heard enough. What he required you to do was to work very hard. To be relevant, to be as brief as possible. When he had heard enough, he just simply withdrew his briefcase from under his desk and started putting his papers

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14. See John S. Cooke, *Introduction: Fiftieth Anniversary of the Uniform Code of Military Justice Symposium Edition*, 165 MIL. L. REV. 9-10 (2000); see also UCMJ art. 31 (2002).

inside. Consequently, you received a signal and realized it was time to sum up what you wanted to offer in terms of your theory of the case.

I can remember the very first trial that I was exposed to—a murder case in West Germany. The trial counsel was a lawyer from Tennessee, a good old boy, who could spin a yarn like you can't imagine. His name was Jim Mogridge, and he was our Chief Trial Counsel at the time. I was his assistant, and I thought he could do no wrong. I wanted to be just like him. So, the very first time that I was given the privilege of proceeding in solo fashion, I decided that I would replicate the efforts of Captain Mogridge. I lost. I lost the very first trial that I presented, and I realized quickly that I was so distracted trying to emulate the manner and method and appearance of someone else that I'd forgotten what it was that I was supposed to be doing.

I realized very quickly that individual style doesn't matter in the end. Whether you can spin a yarn or talk at length is not the most important arrow in your quiver. The most important things to remember, as a trial lawyer, I realized were to work hard, be prepared, and be sincere about what it was that you were doing. To feel the rhythm of the case, to feel the passion of your convictions, to argue with sincerity, and setting about to do what you think is right after you've studied hard and listened carefully, leaving consequences to take care of themselves. So many lessons that I employed throughout the course of criminal trial career, I learned here.

It came to pass that in my career, after a significant period of trying cases, I decided that I should become something else. I decided that entry into the judiciary was probably a place that I would feel most comfortable. Because I liked writing and researching and I loved the law and the courtroom, and because I thought I'd had enough exposure and experience, that was an appropriate time to set about to seek judicial office. So I did. I lost my first election by a very substantial margin. Two years later, I set about to run again, believing that I possessed the requisite skills, and I lost again. Two years later, still believing that I possessed all of the requisite skills, I set about to run again, and I lost again.

So the first three times that I ran for judicial office, in fact all of the times I've run for judicial office, I was unsuccessful. But I learned a great deal about myself. I learned more, I'm absolutely certain, as a result of failure than as a result of success. I gained intuition into the understandings and expectations of the people I wanted to serve. Quite frankly, their judgment was right, I wasn't prepared to serve as a member of the judi-

ciary. I'm grateful that they exercised their discretion in the way that they did, although it was incredibly painful at the time. But out of that ultimately came the opportunity to think about running for Attorney General of the State of Montana. I was so infused into the fabric of our criminal justice system throughout this period that I hadn't the slightest inclination to move away from it because I felt it was one of the highest forms of public service. Consequently, I wanted to stay engaged in that capacity.

While I was a prosecutor in the Army, we had an all-volunteer force that had its beginnings when I was first stationed in Germany. Those were difficult days. We had a very difficult time addressing all of the problems that that volunteer force produced. I can recall days where Article 15s were imposed for heroin possession. That's how pervasive the use of dangerous drugs was with troops in the Federal Republic of Germany. Mandatory urinalysis first began during that period. I can remember going through those lines just like everybody else did.

I can also remember the sorrow I felt when I was required to deal with all of those young men and women serving in the United States Army ultimately convicted of drug offenses. Almost completely immobilized and paralyzed by the consumption of drugs. Almost once a week, we would end up with an overdose of one kind or another on one of the bases within our command. If you bought a kilo of heroin for \$25,000 on the streets of Amsterdam, by the time you went through the process of dilution you could end up making between \$750,000 and \$1,000,000 if you ultimately peddled that to the troops and the civilians just in the Federal Republic of Germany. It was a very competitive and dangerous enterprise.

When I returned to civilian life and became involved in the trial of cases, I was again exposed to bright young people who somehow had made a decision that consumption of some foreign substance was more important than anything else. I recall all of the experiences that I had been exposed to in the United States Army, and it was out of that experience as a prosecutor, I ultimately decided in conjunction with others that the formation of a drug-treatment facility was going to be a critical part of the array of services that my little community in the State of Montana needed to provide. Once again, it was in the United States Army that I learned lessons that I applied when I returned to civilian life.

When I ran for Attorney General, I barely won. I won by the smallest of margins—one percentage point. I enjoyed serving as Attorney General virtually every single day and intended to run for re-election. Then late in

the political season, the incumbent governor became ill and decided that he could no longer run. I was one of the few people in a position to assume the party mantle and proceed forward. I did, and I won again by a very, very narrow margin in 1992. In many ways, I'm an accident of history, not a purposeful production, and I didn't envision that I would end up where I have been.

I can tell you plainly, throughout my entire career, even to this day, the lessons that I was provided here and within the Corps continue to serve me every single moment of every day that I practice law or work in the public sector. Like just this morning as I was tying my tie and making certain that my gig line was straight. It never changes. But thank God. What a glorious privilege we have to serve the people in this nation in the Armed Forces. You should know, and I'm certain that you do, of their gratitude for your good service, for your sacrifice and the sacrifice of your families.

All of us have realized over these last several months just how delicate this form of association is that we share. I can remember feeling trepidation the day that Richard Nixon resigned. All of us hovered around Armed Forces Radio wondering what was going to happen next, being advised that we were on alert, families being readied to be moved from German soil. I thought to myself then just how delicate this miracle of democracy is.

I had a chance to be reminded of that feeling while in Florida during the recount when the President asked me to become engaged in that effort. I realized that even though we were electing the most powerful leader on the planet in very difficult and trying circumstances with great uncertainty, there were no missiles trained, there were no weapons drawn. Why? Because we choose to respect one another and accord dignity to one another and to abide by the law, with minor exceptions that we have to address on occasion. We have been able to live in freedom for 215 years. To me, that's a miracle, and it made me realize during the Florida recount just how much it depends on the vigilance, participation, and performance of duty of every responsible American. Since September 11, all of us have thought about the capacity to live in freedom and how terrorism can call that into question. Once again, we realized how delicate this form of association we call democracy is, how miraculous its survival, and how important our participation.

To me, there is no citizen of this nation whose service is more critical than those who serve in the Armed Forces of the United States. You have

my deepest admiration and my gratitude as one of your fellow citizens, and your families do as well, because I know the sacrifice that is a part of your daily lives. I am very, very, grateful that I had the opportunity to spend a small amount of time with you this morning to share some recollections and some remembrances. I initially thought I should set about to prepare a scholarly work because I had gone through past lectures and all of them that I reviewed were just exceptional pieces of work from which you could take many lessons. But I decided, at the end of the day, that it would be appropriate this morning to share some recollections and conversation that might be just as productive and just as useful. Thank you.