

The Constitution

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My brothers and sisters, Contrary to my usual custom and practice, I intend to read what I have to say today. I assure you I have tried to prepare it under the influence of our Heavenly Father, and I humbly pray that it will carry the message which I have hoped for.

I plan to say something today about the Constitution of the United States of America — its Framers and some of its essential principles — America, the land choice above all other lands — for our great and priceless liberties, including the security of our homes and property, our freedom of speech and of the press, freedom of religion and the free exercise thereof, indeed freedom itself and its liberties, as our fathers knew and enjoyed, as also ourselves, depend upon its preservation. As there is much detail and as I wish to be as accurate as I may be, I have written out what I wish to say.

It seems wise to remind ourselves of these matters because **some people belittle that great document and its fundamental principles, sometimes to the point of derision. Sometimes we forget the Constitution.**

Constitution "Outmoded"

These defamers say that the Constitution, and our government under it, are outmoded; not responsive to present-day conditions of life and living; not sufficient to meet and solve present-day problems; and that we need a modern, up-to-date system of government. They let us know what should be done to meet their ideas and plans, which seem always to run to despotism.

I have observed that numbers of these defamers take advantage to the utmost of every liberty and freedom created and

protected by the Constitution in order to destroy it and its guarantees, so to make easy the setting up of a tyranny that would deprive the common man of his freedom and liberties under it, so permitting these defamers to set up a government that would give place, power, and privilege to them in a despotism to be imposed upon the mass of mankind. We have witnessed this very despotism. There would be a Kremlin in every country on the globe, all under the super-Kremlin in Moscow.

Ten Commandments "Outmoded"

One class of these defamers are the same persons who declare the Ten Commandments, the basic law of the civilized world, to be outmoded, although these Commandments still speak with their divine power and authority against the same evils existing today, each one of them, not one missing, even as they existed in the days of Moses; Commandments that proclaim righteous principles that are as valid and applicable today as when, on Mt. Sinai, they were written on slabs of stone by the finger of God. Sinners would get rid of the divine rebukes and penalties prescribed for their wickedness and would treat as naught the promised rewards for that righteous life that would rob them of the fleshly pleasures of sin.

Sermon on the Mount "Outmoded"

The same people declare the Sermon on the Mount to be outmoded, irresponsible to the needs of the people of today. The divine truths of the Sermon, its surpassing loveliness, indeed the sublimity of its ethical teachings, do not, say they, harmonize with their modern life where we see greed, ambition, selfishness, dishonesty, deceit, falsehood, and licentiousness thrive and on which they live and riot. We have noted this experiment also.

If all that God and his Only Begotten taught that will lead us to the immortality and eternal life that is God's declared glory, could be wiped out and forgotten, leaving only Satan and his work, the followers of Satan would, in their ignorance, have reached a Satanic heaven.

Organization of Constitutional Convention

The Constitution of the United States was framed in Independence Hall, Philadelphia, May 14, 1787, to September 17, 1787. The Framers were delegates sent thereto by the Thirteen Colonies. Seventy-four were appointed; fifty-five reported at the Convention; nineteen did not attend; thirty-nine signed the Constitution. Representatives signed from each of the Colonies except Rhode Island.

Bill of Rights

The Constitution as signed lacked a Bill of Rights, though these rights were discussed in the Convention. As the Colonies voted to ratify the Constitution, each proposed amendments to remedy the omission. Over one hundred amendments were proposed. Some forty to fifty were eliminated as duplications.

Seventeen were finally approved by the House of the First Congress; the Senate reduced the number to twelve, which were sent to the various legislatures for ratification. The final returns showed that ten had been ratified.

Historical Experience of Framers

The Framers and their fathers had in the preceding seventy-five years, fought through four purely European wars — in America between the British and her colonists on one side, and the French and her Indian allies on the other. The colonists had little, if any, concern in the European issues. They fought because the homelands fought. In the first three of these wars the colonists lost much, suffered massacres. Yet at the end of each war, each European government returned, each to the other, the gains either had made in America. The colonists had heavy losses, had no gains except the experience that builded up over the decades, experience that aided them, first, in winning their independence, and, thereafter, in establishing this Government.

No wonder Washington in his Farewell Address counseled against foreign entanglements. He

stated the reasons drawn from colonial experience.

The French and Indian War, the last of the four, broke the French foothold on the Continent. Washington participated in that war as an officer and suffered in Braddock's defeat at Fort Duquesne.

During a part of this whole period, the colonial legislatures had been fighting against royal representatives; in the earlier decade the fathers of the Framers carried on these contests; in the latter years, many of the Framers were themselves involved.

Movement for Independence

The movement for independence began soon after the close of the French and Indian War; for example, the Committees of Correspondence. Some of the very best minds and ablest men in the Colonies participated. Framers served on these earlier revolutionary bodies. Many Framers were members of the Continental Congress. When the Revolution came, they had the experiences, bitter as to both men and money, that came to that Congress in raising troops and materials of war. They had knowledge. Some were experienced in the actual problems of conducting a war. One at least, Franklin, had seen distinguished service in the diplomatic field.

Characters of Framers

The Framers were men of affairs in their own right. Some were distinguished financiers. More than half of them were university men, some educated in the leading American colleges — Harvard, Yale, Columbia, Princeton, William and Mary; others in the great colleges of Great Britain — Oxford, Glasgow, Edinburgh. Washington and Franklin were among those who had no college education. Altogether there were seventy-four delegates appointed; fifty-five who reported at the Convention, "all of them," it has been said, "respectable for family and for personal qualities." Of these fifty-five, only thirty-nine were present at the signing. Nineteen failed to attend the convention.

They were men of varied political beliefs. Some were Federalists; some anti-Federalists. Some seemed favorable to a mere revamping of the

Articles of Confederation.

No Political "Blueprint" Available

The amazing thing is that there was not in all the world's history a government organization even among confederacies, that could be taken by the Framers as a preliminary blueprint for building the political structure they were to build. Franklin declared:

"We have gone back to ancient history for models of Government, and examined the different forms of those Republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we have viewed Modern States all round Europe, but find none of their Constitutions suitable to our circumstances."

They had been in session for about a month (June 26, 1787) when Madison declared:

"... as it was more than probable we were now digesting a plan which in its operation wd [would] decide forever the fate of Republican Govt we ought not only to provide every guard to liberty that its preservation cd [could] require, but be equally careful to supply the defects which our own experience had particularly pointed out."

Who the Framers Were

A little further detail about the thirty-nine Framers who actually signed the document will be useful.

Of those thirty-nine signers, twenty-six had seen service in the Continental Congress. They knew legislative processes and problems. Thirteen had served both in the Continental Congress and in the Army. What a wealth of experience they had obtained in both legislative and executive duties! Of the nineteen who served in the Army, seventeen had served as officers—they knew the problems of armed forces in the field; and of these seventeen, four had served on Washington's staff.

Let us go down the roll: Washington, the "Father of his Country," and Madison, sometimes called the "Father of the Constitution," were later Presidents of the United States. Hamilton (a financial genius) was Secretary of the Treasury under

Washington. McHenry (Maryland) was Secretary of War under Washington. Randolph (Virginia) acted as Attorney General for Washington and later as his Secretary of State. Rutledge (South Carolina), a distinguished jurist, was later Chief Justice in the United States Supreme Court. Oliver Ellsworth (absent when the Constitution was signed) was also later a Chief Justice of the Supreme Court. Blair, Paterson, and Wilson were later Justices of the Supreme Court. (Wilson had been on the Board of War and Ordnance in the Second Continental Congress.)

Benjamin Franklin, a philosopher and scientist, had behind him years of most distinguished and successful diplomatic service. King (Massachusetts) was later a Senator and thereafter Minister to Great Britain. Charles Pinckney (South Carolina) was Minister to Spain. Dickinson (Delaware) founded Dickinson College, and Johnson (Connecticut) was President of Columbia College.

Gerry (Massachusetts) was later Vice-President of the United States, and Ingersoll (Pennsylvania) a candidate for the Vice-Presidency.

Gorham (Massachusetts) and Mifflin (Pennsylvania) had been Presidents of the Continental Congress; Clymer (Pennsylvania), Continental Treasurer; Robert Morris (Pennsylvania), Superintendent of Finances; Sherman (Connecticut), a member of the Board of War and Ordnance, all in the Continental Congress.

We might add, as among the most distinguished of this group, the other Morris (Gouverneur) from Pennsylvania, and the other Pinckney (Charles Cotesworth) from South Carolina.

There were many other distinguished men. They were distinguished before the time of the Convention; they won great distinction after. Men of affairs and influence, they were in their respective Colonies, later States. They were all seasoned patriots of loftiest patriotism. They were not backwoodsmen from the far-off frontiers, not one of them.

What a group of men of surpassing abilities, attainments, experience, and achievements! There has not been another such group of men

in all the one hundred seventy years of our history, no group that even challenged the supremacy of this group. Gladstone solemnly declared:

"The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

When God Plows His Furrow

When God puts his hand to the plow, his furrow is deep and straight, clear to the end. God gave us the heritage; ours is the duty to cherish and protect it. We have, as a people, a special relationship to these men and their work.

In a revelation to Joseph at Kirtland at the time of some of the darkest days in Missouri (December 16, 1833), when there seemed to be no protection for the Saints from the civil authorities, the Lord spoke. He told the people to continue to "importune for redress....

"According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles;

"That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.

"Therefore, it is not right that any man should be in bondage one to another.

"And for this purpose have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose, and redeemed the land by the shedding of blood." (D&C 101:77-80.)

A little time before this, the Lord declared that the constitutional "principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me," and that the people should "renounce war and proclaim peace." (August 6, 1833, *ibid.*, 98:5, 16.)

When (1833) the Lord gave these approving revelations, the Constitution with its coterminous Bill of Rights, was almost fifty years old. Two amendments only had then

been made; one (1798) concerned the Federal judicial power, the other (1804) the election of President and Vice President. Some thirty years later (1865, 1868) came the next two amendments terminating slavery and guaranteeing citizenship and its protection, so meeting the principle declared by the Lord in 1833 regarding bondage of men, one to another.

In the prayer of dedication of the Kirtland Temple, the Prophet prayed: "... may those principles, which were so honorably and nobly defended, namely, the Constitution of our land, by our fathers, be established forever." (*Ibid.*, 109:54, March 27, 1836.)

In 1835 (August 17), at a general assembly of the Church held at Kirtland, a far-reaching "Declaration of Belief regarding Governments and Laws in general" was adopted by the Saints. (*Ibid.*, 134.)

These Framers of the **Constitution** were the men whom the Lord "raised up unto this very purpose, and redeemed the land by the shedding of blood," making it ready for the blessings proclaimed for all.

Preparation of Framers

No more clearly does it appear that Moses was so trained in the royal Egyptian courts that he could lead ancient Israel out of bondage, or that Brother Brigham was so trained, in directing the exodus of the Saints from Missouri to Nauvoo, that he could lead modern Israel from the mobbings and persecutions of the East to the freedom of the mountain fastnesses of the West; neither one was more clearly trained for his work than these Framers were trained for theirs — rich in intellectual endowment and ripened in experience. They were equally as the others in God's hands; he guided them in their epoch-making deliberations in Independence Hall.

The Framers were deeply read in the facts of history; they were learned in the forms and practices and systems of the governments of the world, past and present; they were, in matters political, equally at home in Rome, in Athens, in Paris, and in London; they had a long, varied, and intense experience in the work of governing their various Colonies; they were among the leaders of a weak and poor

people that had successfully fought a revolution against one of the great Powers of the earth; there were among them some of the ablest, most experienced and seasoned military leaders of the world.

As to all matters under consideration by the Convention, the history of the world was combed for applicable experiences and precedents.

The whole training and experiences of the colonists had been in the Common Law, with its freedoms and liberties even under their kings. They knew the functions of legislative, executive, and judicial arms of government.

Some Constitutional Principles

Time is not available now to consider in detail the work of the Convention nor the Constitution that was framed. A very few principles only, and they among the basic ones, may be mentioned. You all know them; they are now merely recalled to your minds. Sometimes we miss the import of them.

Three Independent Branches

First — The Constitution provided for three departments of government — the legislative, the executive, and the judicial.

These departments are mutually independent the one from the other.

Each department was endowed with all the powers and authority that the people through the Constitution conferred upon that branch of government — the legislative, the executive, and the judicial, respectively.

No Encroachment by One Branch Upon Another

No branch of the government might encroach upon the powers conferred upon another branch of government. In order to forestall foreseeable encroachments, the Convention provided in the Constitution itself for a very few invasions by one or the other, into one of the other departments, to make sure that one department should not absorb the functions of the other or encroach thereon, or gain an overbalancing power and authority against the other. These have been termed "checks and balances."

Non-delegation of Powers

A third principle that was inherent in all the provisions of the Constitution was that none of the departments could delegate its powers to the others. The courts of the country have from the first insisted upon the operation of this principle. There have been some fancy near-approaches to such an attempted delegation, particularly in recent years, and some unique justifying reasoning therefore, but the courts have consistently insisted upon the basic principle, which is still operative.

An examination of the records of the Convention will show how anxiously earnest the Framers were to set up these and other principles of free government.

No Kings in America

The Convention seems to have experienced no really serious difficulty in setting up a judiciary department, nor, in certain aspects, the legislative department with its powers, until it came to those powers which dealt with matters that in some governments had been regarded as belonging to the executive. You will recollect that practically all of these Framers had suffered under George III and his Minister, Lord North. So they abandoned the British model, for, as Randolph said, "... the fixt genius of the people of America required a different form of Government." This ruled out royalty.

It might be noted that Washington, as the Revolution closed, had definitively scotched at Newburgh, the kingship idea.

Kings and America

Of course, the Framers did not know (no living mortal then knew) that centuries before a prophet of the Lord had declared as to America:

"Behold, this is a choice land, and whatsoever nation shall possess it shall be free from bondage, and from captivity, and from all other nations under heaven, if they will but serve the God of the land, who is Jesus Christ, who hath been manifested by the things which we have written." (Ether 2:12.)

Nor did the Framers know (again, no living mortal then knew) that centuries after this prophecy, but still centuries before the Framers

met, another prophet had declared:

"And this land shall be a land of liberty unto the Gentiles, and there shall be no kings upon the land, who shall raise up unto the Gentiles." (2 Nephi 10:11.)

The unhappy, short-lived experiences of the Dom Pedros in Brazil and of Maximilian in Mexico seem the exceptions that prove the rule. The Spirit of the Lord was leading.

The National Executive

In providing for the executive department, there was considerable discussion as to whether the executive department should be one person or several. Commenting upon a proposal for three, Randolph said their unity would be "as the foetus of monarchy."

Who should choose, elect, or appoint (the terms were used almost inter-changeably) the Chief Executive was exhaustively debated; so was the problem of the length of his term, from one year, to Hamilton's during "good behaviour," including the question whether he should be ineligible for re-election, and whether he should be subject to impeachment.

Power to Declare War

But one of their most searching examinations related to the war powers of government, including the power to declare war. It became clear very early in the debates that as Chief Executive, the President should execute the laws passed by Congress. But he was also made Commander in Chief of the Army and Navy of the United States and of the State Militia when called into the service of the United States. The delegates were fearfully anxious over this function of government. There was one suggestion that the Commander in Chief should not personally go into the field with the troops, so fearful were they of his power.

Where War Powers Rest

But in whom should rest the so-called war powers? This was the urgent problem. It soon became clear that the Convention was unalterably opposed to endowing the President with these war powers; it was conceded he should have the power to repel invasions, but not to commence war, which meant he could

not declare war.

Chief Executives Conceived as Plain Human Beings

Some of the arguments made in this connection, involving the possibility of a military usurper, remind one of the potential calamities pictured by Lincoln in his prophetic Lyceum Address, where he sketched what an ambitious, fame-and-power-seeking executive might do.

Various other potential actions by the executive were explored. Future Presidents of the Republic were conceived as including men capable of doing the things that ambitious men in power had done over the ages. Men were still human, had the same urges and ambitions. The earnest effort was to make as nearly impossible as could be, the malfeasances of the past by men in high executive office in the future; and seemingly perhaps beyond everything else as a practical matter, to prevent the President from taking us into war of his own volition. The Framers therefore provided that the war powers, including the declaration of war, should rest exclusively in the Congress, both by express provisions, and, as the record shows, by the conscious intent of the Framers.

The Net Position of the National Executive

The net result may be stated thus: as Chief Executive, the President was to enforce the laws passed by Congress, including those passed by Congress in the exercise of the war powers that were explicitly and exclusively possessed by Congress; as Commander in Chief of the Army and Navy of the United States and of the Militia of the States when called into the actual service of the United States, he was to direct the military operations thereof in the field, with the powers incident thereto.

These principles should never be forgotten by any free, liberty-loving American, the kind of American the Constitution and the Bill of Rights make of us, and in which they were designed to protect us.

The People Are Sovereign

Furthermore, under our form of government, we the people of the United States, as the

Preamble to the Constitution declares, formed this government. We alone are sovereign. We are wholly free to exercise our sovereign will in the way we prescribe. The sovereignty is not personal, as under the Civil Law. The Constitution expressly provides the only way in which we may change our Constitution.

We may well repeat again: We the people have all the powers we have not delegated away to our government, and the institutions of government have such powers and those only as we have given to them. The total residuum of powers, including all rights and liberties not given up by us to Federal or State Governments, is still in us, to remain so till we constitutionally provide otherwise. Under the Civil Law that basically governs Continental Europe, the people have only such rights as a personal sovereign or his equivalent bestows, the residuum remaining in him or them. Wherever and whenever powers are exercised by any person or branch of our government that are not granted by the Constitution, such powers are to that extent usurpations.

The Constitution and Ourselves

Will not each of you ask yourself this question: What would probably have happened if Joseph Smith had been born and had attempted to carry on his work of the Restoration of the Gospel and the Holy Priesthood, if he had been born and had sought to go forward in any other country in the world?

Must we go far to seek why God set up this people and their government, the only government on the face of the earth, since the Master was here, that God has formally declared was set up at the hands of men whom he raised up for that very purpose, and the fundamental principles of which he has expressly approved?

Constitution Is Part of My Religion

Having in mind what the Lord has said about the Constitution and its Framers, that the Constitution should be "established, and should be maintained for the rights and protection of all flesh," that it was for the protection of the moral agency, free agency, God gave us, that its "principle of freedom in maintaining rights and privileges, belongs to all mankind," all of which point to the destiny of the free

government our Constitution provides, unless thrown away by the nations — having in mind all this, with its implications, speaking for myself, I declare that the divine sanction thus repeatedly given by the Lord himself to the Constitution of the United States as it came from the hands of the Framers with its coterminous Bill of Rights, makes of the principles of that document an integral part of my religious faith. It is a revelation from the Lord. I believe and reverence its God-inspired provisions. My faith, my knowledge, my testimony of the Restored Gospel, based on the divine principle of continuous revelation, compel me so to believe. Thus has the Lord approved of our political system, an approval, so far as I know, such as he has given to no other political system of any other people in the world since the time of Jesus.

The Constitution, as approved by the Lord, is still the same great vanguard of liberty and freedom in human government that it was the day it was written. No other human system of government, affording equal protection for human life, liberty, and the pursuit of happiness, has yet been devised or vouchsafed to man. Its great principles are as applicable, efficient, and sufficient to bring today the greatest good to the greatest number, as they were the day the Constitution was signed. Our Constitution and our Government under it, were designed by God as an instrumentality for righteousness through peace, not war.

Our Constitutional Destiny

Speaking of the destiny that the Lord has offered to mankind in his declarations regarding the scope and efficacy of the Constitution and its principles, we may note that already the Lord has moved upon many nations of the earth so to go forward. The Latin American countries have followed our lead and adopted our constitutional form of government, adapted to their legal concepts, without compulsion or restraint from us. Likewise, the people of Canada in the British North America Act have embodied great principles that are basic to our Constitution. The people of Australia have likewise followed along our governmental footpath. In Canada and in Australia, the great constitutional decisions of John Marshall and his associates are quoted in

their courts and followed in their adjudications. I repeat, none of this has come because of force of arms. The Constitution will never reach its destiny through force.

God's principles are taken by men because they are eternal and true, and touch the divine spirit in men. This is the only true way to permanent world peace, the aspiration of men since the beginning. God never planted his Spirit, his truth, in the hearts of men from the point of a bayonet.

The Framers had their dark days in their work. There were discouragements, there were hours of near hopelessness for some. Yet, as they were engaged in God's work, and he was at the helm, we know it was as certain as the day dawn, that Satan would be there also, with his thwarting designs.

But I see in their divers views, their different concepts, even the promotion of their different local interests, not the confusion which challenged Franklin, but a searching, almost meticulous study and examination of the fundamental principles involved, and the final adoption of the wisest and best of it all — I see the winnowing of the wheat, the blowing away of the chaff.

Franklin's Prayer

On one of these dark days, the venerable Franklin, ripe in years and in experience, arose and spoke to the Convention (June 28, 1787). Said he:

"The small progress we have made after 4 or five weeks close attendance & continual reasonings with each other — our different sentiments on almost every question, several of the last producing as many noes as ays, is me — thinks a melancholy proof of the imperfection of the Human Understanding. We indeed seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of Government, and examined the different forms of those Republics which having been formed with the seeds of their own dissolution now no longer exist. And we have viewed Modern States all round Europe, but find none of their Constitutions suitable to our circumstances.

"In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the Contest with G. Britain, when we were sensible of danger we had daily prayer in this room for the divine protection. — Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth — that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that 'except the Lord build the House they labour in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and by word down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by Human Wisdom and leave it to chance, war and conquest." So spoke Franklin.

My Witness

Out of more years, but of far, far less wisdom and experience, I echo Franklin's testimony "that God governs in the affairs of men," and that without his concurring aid we shall build in vain, and "our projects will be confounded, and we ourselves shall become a reproach and by word down to future ages."

I bear my testimony that without God's aid, we shall not preserve our political heritage neither to our own blessing, nor to the blessing of our posterity, nor to the blessing of the

downtrodden peoples of the world.

In broad outline, the Lord has declared through our Constitution his form for human government. Our own prophets have declared in our day the responsibility of the Elders of Zion in the preservation of the Constitution. We cannot, guiltless, escape that responsibility. We cannot be laggards, nor can we be deserters.

On the back of the chair in which Washington sat as President during the Convention, was carved a half-hidden sun, showing just above a range of hills. As the signing of the Constitution was about over, Franklin observed to some fellow delegates:

"I have often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that (sun) behind the President, without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising, and not a setting sun."

Such was the prophecy that marked the closing of the greatest political convention of all time, for the Lord was there working out his purposes in a system he could endorse.

God give us the power, each of us, to enshrine in our hearts the eternal truths of our Constitution; that come what may, we shall never desert these truths, but work always and unceasingly that, as Lincoln said, "government of the people, by the people, for the people, shall not perish from the earth."

Such is my prayer, and I ask it in the name of Jesus. Amen.