3—Constitutional Development — 1781–1789

Issues:

1. The initial state and national governments created after 1776 were true to the spirit of the revolution but they were also flawed in significant ways.
2. A Constitutional Convention was called to address those flaws, but several key issues (abolishing the Articles of Confederation, proportional representation, federalism, and slavery) deeply divided the delegates at the convention and threatened to destroy the hope of creating stable government. The final product was the result of much debate and compromise.
3. The constitution was written to protect the people from the incursions of government at the same time it strengthened to power of that government (topic 4 will enlarge on this issue).
4. The leaders of the church have identified key components that illustrate the inspired nature of the Constitution.

Expected Learning Outcomes:

1. Students will understand the problems associated with the governments created after independence and how those problems led to the calling of a convention.
2. Students will be able to identify and explain the major issues debated at the convention and how those debates were resolved.
3. Students will read and understand the basic structure and content of the Constitution, Bill of Rights, and amendments.
4. Students will be able to explain how the constitution both gives power to a national government and restricts the abuse of that power (topic 4 will enlarge on this issue).
5. Students will understand and be able to explain what is meant by the phrase “divinely inspired Constitution.”

Note: First day’s readings: pages 1-22; second day’s readings: pages 23-50.

Come to class prepared to teach the other students in the class what they have learned through preparing for the class and be able to provide evidence to support their ideas.
Constitutional Development

Writing about lofty principles of government and declaring independence was one thing, creating the forms and details of the governments built upon those principles proved to be a more difficult task. When Americans wrote their first state constitutions and created their state governments, they made some rather serious mistakes based on some flawed assumptions about representation and faction. When they attempted to create a “national” government they made mistakes based on their fears that a national government in America would simply take over where the British had left off and develop into another form of tyranny. Some valuable lessons about the difficulties inherent in popular governments, the excesses of the “democratic spirit,” and the need for a more carefully balanced division of governmental power grew out of these early mistakes.

Immediately following the Declaration of Independence the people in each of the thirteen original colonies were encouraged to write state constitutions outlining the form of government that they would live under. Based on the writings of the patriot philosophers, each of the states created small republics based on democratic and republican principles so that the rights of the people would be protected. These governments were true to the spirit of the Revolution with most of the power vested in a legislative branch where the virtuous representatives of a virtuous people could make laws based on the will of the people. Unfortunately, in most cases state constitutions failed to provide the peace and tranquility for which the people had hoped. Consider what implications the following statements had with regard to the condition of state governments.

George Washington: “The inefficiency of state governments indicates we have errors to correct.”

Aednus Burk: “. . . A popular assembly under the bias of anger, malice, or a thirst for revenge, will commit more excess than an arbitrary monarch”

James Wilson: “The legislature is swallowing up all other powers.”

Noah Webster: The legislatures “have created so many legal infractions of sacred right - so many public invasions of private property - so many wanton abuses of legislative powers.”

James Madison: “The revised laws have been altered - realtered - made better - made worse; and kept in such a fluctuating position, that persons in civil commission scarce know what is law. . . . [This is] the grievance complained of in all our republics.”

Benjamin Rush: “Although we understood the principles of liberty, yet most of us were ignorant of the forms and combinations of power in Republics.”

1. What do these statements tell us about the condition of state governments on the eve of the constitutional convention?

Between 1776 and 1787 corruption in state governments increased. States where debtors gained control of the legislatures issued large quantities of paper money which depreciated rapidly in value. In Rhode Island the small farmers in the assembly adopted a Force Act requiring creditors to accept the money at original value. Creditors in other states were also discriminated against by mortgage stay laws which prevented mortgage foreclosures for indefinite periods. The problem of factions within a republic, that was supposed to be solved by keeping republics small like the states, seemed became acute as legislatures became controlled by one faction or another and those factions passed discriminatory legislation.

There were many disputes and tensions between the states that arose over foreign and interstate commerce. The states began using their power to levy tariffs after the war when England dumped such quantities of cheap goods in America that domestic producers were threatened with ruin. As the tariffs were not uniform among the states, commerce gravitated toward such low-tariff states as Rhode Island. Other states, jealous of this trade, began levying retaliatory tariffs against the goods of those favored states. Merchants and manufacturers wanted an end to destructive interstate tariffs and commercial rivalry, as well
as aid in their dealing with foreign governments. States also began to argue with each other over the control of rivers and ports so essential to foreign and interstate trade; causing more bitter disputes between the states.

As American states began the process of negotiating with foreign powers they were treated with disdain and ambivalence. Despite the end of the Revolutionary War, England continued to control areas, like Detroit, within the boundaries of America and there seemed to be no way, short of reopening the Revolutionary War, to get them to leave. Spain controlled the mouth of the Mississippi River, thus forcing Americans living in the Ohio River Valley, who had to ship their produce down the Mississippi in order to trade with the states on the Eastern seaboard, to pay a tariff or tax to trade within the boundaries of the United States. Since these problems were regional in nature, and since there was little unity between the states politically, foreign powers like England and Spain ignored requests for improvements or resolutions of these situations, and in some cases even sought to play one state against another.

2. What seems to be the problem or problems indicated by these statements?

By 1786 in Massachusetts high taxes and mortgage foreclosures drove debtors to mob action. Daniel Shays led a rebellion of ex-soldiers and farmers to prevent the courts from taking their farms. Shays’ Rebellion eventually ended when troops were called out, but it showed the temper of the people and alarmed many men throughout the states who felt that the threat of anarchy was very real. “The combustibles are collected—the mine is prepared—the smallest spark may again produce an explosion!” In many communities, the lower classes talked of an equal division of property or the abolition of all debts. Similar rebellions occurred in other states, like Virginia, and state governments were either too weak or too divided to settle the issues. The national government, too, under the Articles of Confederation had no power to intervene within the borders of states that saw themselves as sovereign powers. The threat of general anarchy seemed very real.

3. What dangers are foreshadowed in Shay’s Rebellion?
What seems to be the overall problems suffered at the level of state government?

At the national level, during the Revolutionary War and the time immediately following it, Americans feared that a strong national government would simply take over where England left off. It was unthinkable for most Americans that any kind of strong and powerful national government ought to be created. However, the need for some form of national government seemed obvious, so Americans wrote the Articles of Confederation and created a rather weak “league of Friendship.” In this government each state sent delegates who represented the states interests, each of the states had an equal vote on any proposed legislation, legislation required unanimous support in order to pass, and once passed the national government had no authority to enforce the legislation within a state. The problems created by this weak attempt at a national government taught some valuable lessons about the importance of giving government sufficient power and sovereignty to accomplish the basic tasks of government and earn the trust and confidence of the people.
4. What was the basic structure of the national government under the Articles of Confederation, and what was the relationship of the people to that government? What was the purpose for this type of structure? What does this statement tell us about the inadequacies of the government under the Articles of Confederation?

To a few Americans, it became more and more evident during the 1780s that the states needed to revise their constitutions to bring factions under control and that the people needed to give up some of their tenacious loyalty to state sovereignty and to correct the weaknesses of the Articles of Confederation.

“I am sorry to inform you that American affairs in general wear the worst aspect you can possibly conceive. The people discontented. The public treasury without money, and the States either refusing or not complying with the requisitions of Congress—[New] Jersey last year rejected the requisition: & Connecticut this:—Only Virginia, N. York, & Pennsylvania pay any thing towards the support of Government.” (“Letter from William Grayson to William Short,” New York, 16 April 1787.)

Although the people of the American states would never have accepted a strong national government in the 1770s or early 1780s, by 1787 the mood was beginning to change.

In September, 1786, The Annapolis Convention met to discuss the need to strengthen the national government. Only five States sent delegates but they adopted a report submitted by Alexander Hamilton, urging all states to meet in a subsequent convention in Philadelphia to discuss means “to render the constitution of the Federal Government adequate to the exigencies of the Union.” In February, 1787, the Congress of the Confederation endorsed this call, and delegates from all the states were invited to a convention that was to be held in Philadelphia in May.

“Whereas there is provision in the Articles of Confederation for making alterations therein by the assent of a Congress of the United States and of the legislatures of the several states; And whereas experience hath evinced that there are defects in the present Confederation as a means to remedy which several of the States and particularly the State of New York have suggested a convention and such convention appearing to be the most probable means of establishing in these states a firm national government: Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alteration and provision therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government and the preservation of the Union.” (“Resolution of the Congress to Revise the Articles of Confederation,” 1787.)

5. Why was a convention proposed by the Congress of the Confederation? When the Congress of the Confederation issued the call for a convention, what express purpose was given for the convention’s work? Why was the calling of a special convention felt to be the best way to solve the problems created by the Articles of Confederation?

The states selected 74 delegates to attend the Constitutional Convention, but for various personal or political reasons only 55 men actually participated in the proceedings. Although all of those attending the Convention represented the best and the brightest minds of the American states, some men obviously had more influence on the proceedings than others.

Alexander Hamilton: 29, young, bright, brash; encouraged New York to ask for a convention; he was concerned that the nation was not secure.

James Madison: 36, energetic, studious, astute political mind; works tirelessly in Virginia calling for a new convention. James Madison is often referred to as the Father of the Constitution because 1) He was better prepared than any other delegate in the theory and history of government and he was the author of the 15 Virginia resolutions. 2) He debates often and with great passion for his position. 3) He pushes hard for the national government to represent the people, not just the states. And 4) he takes detailed and extensive notes of the proceedings throughout the entire convention—James Madison’s notes of debates in the Federal Convention of 1787.
George Washington: 55, states won’t come without him there, in his presence the delegates are more committed to success; states more easily accept work of convention; chosen President of the Convention.

Benjamin Franklin: 81, physically quite feeble, everyone listens when he speaks, helps cool tempers and encourages the work to move forward.

Roger Sherman: Constantly offering compromises, offered basic ideas for Great Compromise

Gouverneur Morris: wrote the basic text of the Constitution as we know it today.

Thomas Jefferson: not present, serving as America’s ambassador to France.

John Adams: not present, serving as America’s ambassador to England.

Most of the fifty-five delegates to the Constitutional convention of 1787 came with reservations about the convention’s potential for success. Most of the delegates were personally interested in creating a stronger central government, at least in giving more power to the national Congress. But many of the delegates were suspicious of creating a national government that would be too strong and might overwhelm the sovereignty and independence of the states. Their primary concern was to create a workable government that would, above all else, preserve the Union. Fearful of putting too much power in the hands of government and made distrustful by events of the Confederation Period of too much direct power in the hands of the people, their hope was to create a government that would avoid the extremes of both. In other words, they wanted to create a government that not only had enough power to control the passions of the states and the people, but also had sufficient restrictions to keep it from infringing upon the rights of the people.

What happened at the “Grand Convention” of 1787 is often called the “Miracle of Philadelphia.” The Constitution which the delegates wrote was a product of consensus and compromise. The Constitution could not have been the product of a single mind or a light-hearted effort. No single man could have written it.

In the days leading up to the convention the Virginia delegates arrived in Philadelphia early and discussed together a plan of government which was later presented to the Convention. James Madison is considered to be the primary author of the plan that is commonly referred to as the “Virginia Plan” or the “Fifteen Virginia Resolves.”

The “Virginia Plan” became significant and important from the early days of the Convention. It provided the delegates a plan to debate and proposed a new system of national government consisting of supreme legislative, executive and judiciary powers. Some of the basic provisions of the plan were a two-house legislative body with representation based on population, a national negative on state laws, giving national government power to enforce laws within states, provisions for the equal admission of new states, a guarantee that each state would continue to have republican governments, and a provision that the “articles of union” could be more easily amended.

6. How does this plan go beyond the Resolution passed by the Congress of the Confederation authorizing the calling of a convention?

Taking into account that many of the delegates would be fearful of a stronger national government, when Governor Randolph (governor of Virginia) presented the Virginia Plan to the convention he used words in the first resolution that were intended to soothe the feelings of those delegates he knew opposed the creation of such a government. He proposed: “Resolved, That the articles of confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, common defense, security of liberty and the general welfare.” Some delegates, desiring the creation of a stronger national government, objected to Governor Randolph’s indirectness and suggested that if the Virginia Plan was meant to strengthen the national government, the first resolve should say so clearly. Therefore Governor Randolph revised to first resolution to read as follows: “Resolved, That it is the opinion of this committee, that a national government ought to be established, consisting of a Supreme Legislative, Executive, and Judiciary.” This revised statement clearly drew a line in the sand between those who wanted to create a totally new form of government and those who only sought to revise the Articles of Confederation.

7. What was the first major issue the delegates faced when they arrived at the Convention?

The second resolution of the Virginia Plan called for the creation of a national republic with a two-house legislature where the representation in each of the houses would be based on population; this was in effect
creating a national republic. This went against the conventional political wisdom at the time because it was
commonly held that only in small republics was good government possible. Large republics were too
subject to the divisiveness of factions. It also seemed to favor the larger states since they had a greater
population and thus would have more votes in the national legislature.

The idea of a large republic was rejected by delegates from the smaller states because they had grown
accustomed to the equal vote they had under the Articles of the Confederation and they feared that if
representation in the legislature was based on population, the large states would run the new government.
Since the new government was to exercise so much more power over the states than under the Articles, the
states that controlled the legislature also controlled the government.

As a result of the conflict between the small and large states over representation, a Grand Committee
was created to work out what came to be known as the Great Compromise. The primary aspects of the
Great Compromise were that there would be an equality of votes in the Senate with each state having two
senators elected by state legislatures, thus representing the interests of all the states equally; the
representatives in the House of Representatives would be elected directly by the people, based on
proportional representation, thus representing the interests of the people; all revenue bills would begin in
the House, where the interests of the people were most directly represented; and a census would be taken
every ten years where the House would be reapportioned accordingly, thus maintaining proportional
representation.

Factions.

“Some of the Constitution’s auxiliary precautions were extremely subtle. One of these deserves special
mention. Like federalism itself, which created a whole new set of checks and balances by counter-posing
the sovereignty of the states against that of the federal government, the device in question was a happy
accident. It derived from the size of the American Republic, which had been a major stumbling block to the
delegates going into the Philadelphia Convention.

“Classical republican theory had held that republics must be compact in size and manageable in
population, like the polis of ancient Greece. The founders supposed that too large a nation-state would
quickly succumb to factional infighting. In the ancient world, factions — groups organized around
influential politicians or competitive interests — had been troublesome enough, creating endless turmoil
and confusion. The Founders feared that in an extended republic such as the United States, factions might
become so large and powerful that they could never be brought under control.

“James Madison began to rethink this idea in the course of the constitutional deliberations, and by the
end of the Grand Convention he had reach a surprising conclusion. Republican theorists had gotten in
backward. In the extended republic, as Madison was soon to reason in The Federalist, there would be many
factions, but for that very reason they would render the body politic not less, but more, stable. (See
Federalist 10 …) In a small polis, any given faction might be large enough or powerful enough to take
over, as had been the case in tiny Rhode Island. In a sprawling, continental-sized republic, no single faction
could come close to possessing such clout. The factions in an extended republic would contend with one
another in an endless game of “king of the mountain,” pulling each other from the pinnacle of power the
moment any single contender threatened to succeed.” (Frank W. Fox & Clayne L. Pope, City Upon a Hill

8. What was the second major issue faced by the delegates at the convention?
Why was Madison so focused on “proportional representation”?
What was James Madison’s argument with regard to the existence of factions and how best to deal
with them.
How was the issue of representation eventually solved at the convention?

After the Great Compromise, the way was opened for the delegates to debate other important issues
that still needed their attention. They still had to decide on the specific powers of the Congress and on the
other details of the legislative process. They also had to decide how the executive branch would be
structured and what powers might be given to the executive officers of the new government. The creation
of an executive branch was very troublesome for the delegates. The memory of King George was obviously
very present in their minds. Fortunately, most of the delegates also had the image of George Washington in
mind as well. Still, they desired a structure of government that would preclude an executive from wielding
too much power or promoting the interest of any one faction. As a result of these fears, they made sure that
the power of the executive was carefully balanced with the power of the other branches of the government
and they took the election of the president out of the direct control of the passions of the people through the process of an electoral college.

9. How did the convention’s fear of an all powerful King play out in the creation of the executive branch?

The delegates also wrestled with the issue of slavery, but it did not originally come up in the convention as a result of an effort to end the “abominable” practice. Under the new constitution, power was given to the national government to regulate foreign trade. This provision worried many of the southern states because they felt that northern states may gain a majority in congress and regulate the importation of slaves out of existence. The debate over the importation of slaves at the convention took two tracks—moral and political. Those who took the moral track felt that slavery was clearly immoral and therefore if the new congress legislated it out of existence, so much the better. Those who took the political track argued that if the new congress had the power to regulate the importation of slaves, the southern states would leave the convention, the convention would break-up, and the work of the convention would fail. In the end, the delegates decided to set aside the morality of slavery and solve the issue politically. The new congress was given the power to regulate trade, but compromises were offered to the southern states that protected slavery.

The compromises came in two areas: First, the delegates decided that congress could not end the importation of slaves until at least 1808, about 20 years after the new government was slated to go into operation. Second, for the purpose of representation, slaves would be counted as 3/5s of a person. This gave the southern states some representation credit for the slaves living in their states, even though the slaves themselves could not vote.

These compromises averted the collapse of the convention, but at the same time they failed to effectively deal with the issue of slavery. As Thomas Jefferson would later say, the issue of slavery “was like holding a wolf by the ears. You didn’t like it, but you didn’t want to let it go.”

10. What was the third major issue faced by the delegates at the convention?
What compromises “solved” the issue of slavery at the convention?
Despite the creation of the Constitution, which issues above continue to vex Americans today?
What are the long term implications of these three issues and their resolutions (in other words, can an understanding of these issues inform our lives today)?

Despite the many compromises that resulted in the writing of the Constitution, and the disappointment felt by many of the delegates in the final product, most chose to sign and support it. James Madison wrote, “Whatever may be the judgment pronounced on the competency of the architects of the Constitution, or whatever may be the destiny of the edifice prepared by them, I feel it a duty to express my profound and solemn conviction, derived from my intimate opportunity of observing and appreciating the views of the Convention, collectively and individually, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the Federal Convention of 1787, to the object of devising and proposing a constitutional system which should best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country.”

The Constitution of the United States

Preamble
We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I
Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the concurrence of two thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.
Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law.

But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;
To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
To provide for the punishment of counterfeiting the securities and current coin of the United States;
To establish post offices and post roads;
To promote the Progress of Science and useful arts, by securing for limited times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
To constitute tribunals inferior to the supreme Court;
To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
To declare War, grant Letters of Marque and Reprisal, and make rules concerning Captures on Land and Water;
To raise and support Armies, but no Appropriation of Money to that use shall be for a longer Term than two Years;
To provide and maintain a Navy;
To make Rules for the Government and Regulation of the land and naval Forces;
To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square), as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenal, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it’s inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be
more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President: and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.

Article III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.
Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.
Article IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A person charged in any State with Treason, Felony, or other Crime, who shall flee from justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered upon on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Amendment I [The first ten amendments, which we refer to as the Bill of Rights, were ratified and adoption certified on December 15, 1791.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
Amendment II
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III
No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV
The right of the People to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularity describing the place to be searched, and the persons or things to be seized.

Amendment V
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have Assistance of Counsel for his defence.

Amendment VII
In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI  [1798]
The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII  [1804]
The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-
President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to
the seat of the government of the United States, directed to the President of the Senate; — The President of
the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and
the votes shall then be counted; — The person having the greatest number of votes for President, shall be
the President, if such number be a majority of the whole number of Electors appointed; and if no person
have such majority, then from the persons having the highest numbers not exceeding three on the list of
those voted for as President, the House of Representatives shall choose immediately, by ballot, the
President. But in choosing the President, the votes shall be taken by states, the representation from each
state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of
the states, and a majority of all the states shall be necessary to a choice. And if the House of
Representatives shall not choose a President whenever the right of choice shall devolve upon then, before
the fourth day of March next following, then the Vice-President shall act as President, as in the case of the
death or other constitutional disability of the President. — The person having the greatest number of votes
as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of
Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the
Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole
number of Senators, and a majority of the whole number shall be necessary to a choice. But no person
constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United
States.

Amendment XIII [1865]

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the
party shall have been duly convicted, shall exist within the United States, or any place subject to their
jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV [1868]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof,
are citizens of the United States and of the State wherein they reside. No State shall make or enforce any
law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State
deprive any person of life, liberty, or property, without due process of law; nor deny to any person within
its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective
numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the
right to vote at any election for the choice of electors for President and Vice President of the United States,
Representatives in Congress, the Executive and Judicial officers of a State, or the members of the
Legislature thereof, is denied to any of the male inhabitants of such State, being twenty one years of age,
and citizens of the United States, or in any way abridged, except for participation in rebellion, or other
crime, the basis of representation therein shall be reduced in the proportion which the number of such male
citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice
President, or hold any office, civil or military, under the United States, or under any State, who, having
previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of
any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the
United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to
the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts
incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall
not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation
incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or
emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this
article.
Amendment XV  [1870]
Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI  [1913]
The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII  [1913]
The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII  [1919, repealed 1933 by passage of the 21st Amendment]
Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.
Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.
Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX  [1920]
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.
Congress shall have power to enforce this article by appropriate legislation.

Amendment XX  [1933]
Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.
Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.
Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.
Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.
Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.
Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI [1933]

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII [1951]

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII [1961]

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV [1964]

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV [1967]

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice president and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is
unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI  [1971]

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII  [1992]

No law varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Using the information found in the constitution above, answer the following questions in preparation for class discussion (NOT to be written up in the Exposition).

The Preamble

What six reasons are given in the Preamble for the creation of the Constitution?

Article I — The Legislative Branch of Government

1. In what institution is the legislative power of the United States vested? What are the two houses in that body?
2. What is the term of office of a member of the House? By whom is a congressman chosen? (Note: A member of the House of Representatives is properly called a “Congressman,” a member of the Senate is properly referred to as “Senator.”)
3. What are three constitutional qualifications of a member of the House? How was the number of representatives each state had determined? What was the constitutional purpose for a census every ten year? If a states population, in relationship to the other states, is very small, can it totally lose its representation in the House of Representatives?
4. How is the Speaker of the House chosen?
5. What is meant by the House’s sole power of impeachment?
6. How many senators are chosen from each state? By whom were they originally chosen? How was that changed by Amendment 17? How long do senators serve? How are the terms of senators staggered?
7. What are three constitutional qualifications for a Senator?
8. Who is the President of the Senate? When can the President of the Senate vote? What is the president pro tempore of the Senate?
9. What is meant by the Senate’s sole power to try impeachments? Who presides if a President of the U.S. is tried by the Senate? What vote is needed for conviction?
10. What is the judgment in cases of impeachment? (Two things.) What qualification is given concerning that punishment?
11. What specific checks and balances (regarding the making of laws) are found in Art. I, Sec. 7?
   a. bills for raising revenue
b. bills must pass both houses

c. bills presented to the president
   approval
   “veto”
   overriding of the veto by 2/3 vote
   president allows bill to become law without signature
   “pocket veto” at the end of the session

d. method of passing orders, resolutions, etc.

12. What are the powers given to Congress in Art. I, Sec. 8? (You should know these well enough to distinguish them from the powers of the president.)

a. clause 1 — taxes, debts
b. clause 2 — borrow money
c. clause 3 — regulate commerce
d. clause 4 — naturalization, bankruptcies
e. clause 5 — coin money
f. clause 6 — punishment of counterfeiting
g. clause 7 — post offices and roads
h. clause 8 — promote science and arts
i. clause 9 — constitute tribunals
j. clause 10 — felonies on high seas
k. clause 11 — declare war
l. clause 12 — armies
m. clause 13 — navy
n. clause 14 — make rules
o. clause 15 — call forth the militia
p. clause 16 — organizing and governing the militia
q. clause 17 — exclusive legislation over the seat of government
r. clause 18 — all laws necessary and proper

13. What specific power is given in Amendment 16?

**Article II — The Executive Branch of Government**

1. In whom is the executive power of the United States vested?
2. What is the term of office of the president and the vice president?
3. What is the basic constitutional method by which the president and vice president are elected (see Amendment 12)? When does he take office (see Amendment 20)?

The people (popular vote) > Electors (number determined by adding Senators & Representatives) > President & Vice President (must be elected by majority electoral vote;
“Translation” of the above chart:

The people > popular vote > Electors (number determined by adding Senators & Representatives) > President/Vice President

Must be majority of electoral vote or House > Pres; Senate > VP

4. What are three constitutional qualifications of the president?
5. What are the key elements of the president’s oath of office?
   “faithfully execute . . .”
   “preserve, protect, and defend . . .”
6. What are the specific powers given to the president in Art. II, Sections 2 & 3? (You should know these well enough to distinguish them from the powers of the Congress.)
   commander-in-chief
   grant reprieves and pardons
   makes treaties
   appointment of officers
   give Congress information on the State of the Union
   recommend measures
   receive ambassadors
   faithfully execute the laws
7. For what reasons can a president or other officer be impeached?

Article III — The Judicial Branch of Government

1. In what institutions is the judicial power of the United States vested?
2. How did the Founders guarantee “judicial independence”?
   terms of office
   compensation
3. To what kinds of questions and judicial cases does the judicial power of the United States government extend (see also Amendment 11)?
   under the Constitution, laws, and treaties
   ambassadors
   admiralty and maritime
   U.S. is a party
   between states
   citizens of different states
4. What is meant by appellate jurisdiction?

Article IV — Relations Between the States Clarified

1. To what things must a state give full faith and credit?
2. What is meant by the privileges and immunities clause?
3. How can new states be admitted to the Union?
4. What power does Congress have in regards to the territory of the United States?
5. What guarantee is given to each state regarding a republican government?

Article V — Amending the Constitution

1. What are the two methods to propose an amendment?
2. What are the two methods to ratify an amendment?

Article VI — Debts, Supremacy, Oaths, and Religious Tests
1. What does the first clause of Art. VI say about the payment of debts?
2. What must all legislators, executive officers, and judicial officers of the states and the United States do?
3. What can they never be required to do?

**Article VII — Ratification of the Constitution**

1. How many states were required to ratify the Constitution?

**The Amendments**

(Note: Some amendments have been covered in previous questions.)

**Amendment 1:**
1. What five rights are guaranteed in this amendment?

**Amendment 2:**
2. For what basic purpose is the right to keep and bear arms guaranteed?

**Amendment 3:**
3. What limits are place on the quartering of troops in private homes?

**Amendment 4:**
4. What conditions are necessary for a reasonable search or seizure?

**Amendment 5:**
5. What rights are granted by each of the following phrases?
   - indictment by a grand jury
   - twice put in jeopardy
   - witness against himself
   - due process of law
   - private property taken

**Amendment 6:**
6. What basic rights are guaranteed?
   - jury trial
   - tried in state or district
   - informed of crime
   - confront witnesses
   - have assistance of counsel

**Amendment 7:**
7. What basic right is guaranteed in a civil suit?

**Amendment 8:**
8. What two protections are listed?

**Amendment 9:**
9. What is the intent of this amendment?

**Amendment 10:**
10. How does this amendment define clearly the nature of divided power in our federal structure?
11. What is the definition of citizenship?
12. What are prohibitions against the states?

Amendment 20, Section 3
14. Who shall become president if a president-elect dies?
15. Who shall become acting president if a president-elect cannot qualify for office?

Amendment 25:
16. What happens in each of the following situations?
   removal, death, or resignation of the president
   vacancy in the office of the vice president
   inability of the president to carry out his duties

[End of first day’s readings.]
The Constitution as an Inspired Document

The Doctrine and Covenants confirms the inspired nature of the Constitution and several presidents of the Church and other general authorities have spoken and written on the inspired nature of the Constitution. President Ezra Taft Benson and President J. Reuben Clark Jr. are two of the most notable but there are many others. For the most part they describe the nature of that inspiration on a concept by concept basis rather than on a word for word basis. The following article from Elder Oaks exemplifies many of those writings.


Not long after I began to teach law, an older professor asked me a challenging question about Latter-day Saints’ belief in the United States Constitution. Earlier in his career he had taught at the University of Utah College of Law. There he met many Latter-day Saint law students. “They all seemed to believe that the Constitution was divinely inspired,” he said, “but none of them could ever tell me what this meant or how it affected their interpretation of the Constitution.” I took that challenge personally, and I have pondered it for many years.

My conclusions draw upon . . . a lifetime of studying the scriptures and the teachings of the living prophets. My opinions on this subject are personal and do not represent a statement in behalf of The Church of Jesus Christ of Latter-day Saints.

CREATION AND RATIFICATION The United States Constitution was the first written constitution in the world. It has served Americans well, enhancing freedom and prosperity during the changed conditions of more than two hundred years. Frequently copied, it has become the United States’ most important export. After two centuries, every nation in the world except six have adopted written constitutions, and the U.S. Constitution was a model for all of them. No wonder modern revelation says that God established the U.S. Constitution and that it “should be maintained for the rights and protection of all flesh, according to just and holy principles.” (D&C 101:77.)

Consider the setting.

The thirteen colonies and three and one-half million Americans who had won independence from the British crown a few years earlier were badly divided on many fundamental issues. Some thought the colonies should reaffiliate with the British crown. Among the majority who favored continued independence, the most divisive issue was whether the United States should have a strong central government to replace the weak “league of friendship” established by the Articles of Confederation. Under the Confederation of 1781, there was no executive or judicial authority, and the national Congress had no power to tax or to regulate commerce. The thirteen states retained all their sovereignty, and the national government could do nothing without their approval. The Articles of Confederation could not be amended without the unanimous approval of all the states, and every effort to strengthen this loose confederation had failed.

Congress could not even protect itself. In July 1783, an armed mob of former Revolutionary War soldiers seeking back wages threatened to take Congress hostage at its meeting in Philadelphia. When Pennsylvania declined to provide militia to protect them, the congressmen fled. Thereafter Congress was a laughingstock, wandering from city to city.

Unless America could adopt a central government with sufficient authority to function as a nation, the thirteen states would remain a group of insignificant, feuding little nations united by nothing more than geography and forever vulnerable to the impositions of aggressive foreign powers. No wonder the first purpose stated in the preamble of the new United States Constitution was “to form a more perfect union.”

The Constitution had its origin in a resolution by which the relatively powerless Congress called delegates to a convention to discuss amendments to the Articles of Confederation. This convention was promoted by James Madison and Alexander Hamilton, two farsighted young statesmen still in their thirties, who favored a strong national government. They persuaded a reluctant George Washington to attend and then used his influence in a letter-writing campaign to encourage participation by all the states. The convention was held in Philadelphia, whose population of a little over 40,000 made it the largest city in the thirteen states. . . .
Instead of reacting timidly because of disunity and weakness, the delegates boldly ignored the terms of their invitation to amend the Articles of Confederation and instead set out to write an entirely new constitution. They were conscious of their place in history. For millennia the world’s people had been ruled by kings or tyrants. Now a group of colonies had won independence from a king and their representatives had the unique opportunity of establishing a constitutional government Abraham Lincoln would later describe as “of the people, by the people, and for the people.”

The delegates faced staggering obstacles. The leaders in the thirteen states were deeply divided on the extent to which the states would cede any power to a national government. If there was to be a strong central government, there were seemingly irresolvable differences on how to allocate the ingredients of national power between large and small states. As to the nature of the national executive, some wanted to copy the British parliamentary system. At least one delegate even favored the adoption of a monarchy.

Divisions over slavery could well have prevented any agreement on other issues. There were 600,000 black slaves in the thirteen states, and slavery was essential in the view of some delegates and repulsive to many others. . . .

It took the delegates seven weeks of debate to resolve the question of how the large and small states would be represented in the national congress. The Great Compromise provided a senate with equal representation for each state, and a lower house in which representation was apportioned according to the whole population of free persons in the state, plus three-fifths of the slaves. The vote on this pivotal issue was five states in favor and four against; other states did not vote, either because no delegates were present or because their delegation was divided. Upon that fragile base, the delegates went forward to consider other issues, including the nature of the executive and judicial branches, and whether the document should include a bill of rights.

It is remarkable that the delegates were able to put aside their narrow sectional loyalties to agree on a strong central government. Timely events were persuasive of the need: the delegates’ memories of the national humiliation when Congress was chased out of Philadelphia by a mob, the recent challenge of Shay’s rebellion against Massachusetts farm foreclosures, and the frightening prospect that northern and western areas would be drawn back into the orbit of European power.

The drafting of the Constitution was only the beginning. By its terms it would not go into effect until ratified by conventions in nine states. But if the nation was to be united and strong, the new Constitution had to be ratified by the key states of Virginia and New York, where the opposition was particularly strong. The extent of opposition coming out of the convention is suggested by the fact that of seventy-four appointed delegates, only fifty-five participated in the convention, and only thirty-nine of these signed the completed document.

It was nine months before nine states had ratified, and the last of the key states was not included until a month later, when the New York convention ratified by a vote of thirty to twenty-seven. To the “miracle of Philadelphia” one must therefore add “the miracle of ratification.”

Ratification probably could not have been secured without a commitment to add a written bill of rights. The first ten amendments, which included the Bill of Rights, were ratified a little over three years after the Constitution itself.

That the Constitution was ratified is largely attributable to the fact that the principal leaders in the states were willing to vote for a document that failed to embody every one of their preferences. For example, influential Thomas Jefferson, who was in Paris negotiating a treaty and therefore did not serve as a delegate, felt strongly that a bill of rights should have been included in the original Constitution. But Jefferson still supported the Constitution because he felt it was the best available. Benjamin Franklin stated that view in these words:

“When you assemble a number of men to have the advantage over their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does. . . . The opinions I have had of its errors, I sacrifice to the public good.” 5

In other words, one should not expect perfection- one certainly should not expect all of his personal preferences- in a document that must represent a consensus. One should not sulk over a representative body’s failure to attain perfection. Americans are well advised to support the best that can be obtained in the circumstances that prevail. That is sound advice not only for the drafting of a constitution but also for the adoption and administration of laws under it.
It was a miracle that the Constitution could be drafted and ratified. But what is there in the text of the Constitution that is divinely inspired?

Reverence for the United States Constitution is so great that sometimes individuals speak as if its every word and phrase had the same standing as scripture. Personally, I have never considered it necessary to defend every line of the Constitution as scriptural. For example, I find nothing scriptural in the compromise on slavery or the minimum age or years of citizenship for congressmen, senators, or the president. President J. Reuben Clark, who referred to the Constitution as “part of my religion,” also said that it was not part of his belief or the doctrine of the Church that the Constitution was a “fully grown document.” “On the contrary,” he said, “We believe it must grow and develop to meet the changing needs of an advancing world.”

That was also the attitude of the Prophet Joseph Smith. He faulted the Constitution for not being “broad enough to cover the whole ground.” In an obvious reference to the national government’s lack of power to intervene when the state of Missouri used its militia to expel the Latter-day Saints from their lands, Joseph Smith said,

“The sentiments are good, but it provides no means of enforcing them. . . . Under its provision, a man or a people who are able to protect themselves can get along well enough; but those who have the misfortune to be weak or unpopular are left to the merciless rage of popular fury.”

This omission of national power to protect citizens against state action to deprive them of constitutional rights was remedied in the Fourteenth Amendment, adopted just after the Civil War.

I see divine inspiration in what President J. Reuben Clark called the “great fundamentals” of the Constitution. In his many talks on the Constitution, he always praised three fundamentals: (a) the separation of powers into three independent branches of government in a federal system; (b) the essential freedoms of speech, press, and religion embodied in the Bill of Rights; and (c) the equality of all men before the law. I concur in these three, but I add two more. On my list there are five great fundamentals.

1. Separation of Powers. The idea of separation of powers was at least a century old. The English Parliament achieved an initial separation of legislative and executive authority when they wrested certain powers from the king in the revolution of 1688. The concept of separation of powers became well established in the American colonies. State constitutions adopted during the Revolution distinguished between the executive, legislative, and judicial functions. Thus, a document commenting on the proposed Massachusetts Constitution of 1778, speaks familiarly of the principle “that the legislative, judicial, and executive powers are to be lodged in different hands, that each branch is to be independent, and further, to be so balanced, and be able to exert such checks upon the others, as will preserve it from dependence on, or a union with them.”

Thus, we see that the inspiration on the idea of separation of powers came long before the U.S. Constitutional Convention. The inspiration in the convention was in its original and remarkably successful adaptation of the idea of separation of powers to the practical needs of a national government. The delegates found just the right combination to assure the integrity of each branch, appropriately checked and balanced with the others. As President Clark said:

“It is this union of independence and dependence of these branches-legislative, executive and judicial-and of the governmental functions possessed by each of them, that constitutes the marvelous genius of this unrivalled document. . . . As I see it, it was here that the divine inspiration came. It was truly a miracle.”

2. A written bill of rights. This second great fundamental came by amendment, but I think Americans all look upon the Bill of Rights as part of the inspired work of the Founding Fathers. The idea of a bill of rights was not new. Once again, the inspiration was in the brilliant, practical implementation of preexisting principles. Almost six hundred years earlier, King John had subscribed the Magna Charta, which contained a written guarantee of some rights for certain of his subjects. The English Parliament had guaranteed individual rights against royal power in the English Bill of Rights of 1689. Even more recently, some of the charters used in the establishment of the American colonies had written guarantees of liberties and privileges, with which the delegates were familiar.

I have always felt that the United States Constitution’s closest approach to scriptural stature is in the phrasing of our Bill of Rights. Without the free exercise of religion, America could not have served as the host nation for the restoration of the gospel, which began just three decades after the Bill of Rights was ratified. I also see scriptural stature in the concept and wording of the freedoms of speech and press, the right to be secure against unreasonable searches and seizures, the requirements that there must be probable cause for an arrest and that accused persons must have a speedy and public trial by an impartial jury, and the guarantee that a person will not be deprived of life, liberty, or property without due process of law.
President Ezra Taft Benson has said, “Reason, necessity, tradition, and religious conviction all lead me to accept the divine origin of these rights.” 11

The Declaration of Independence had posited these truths to be “self-evident,” that all men “are endowed by their Creator with certain inalienable Rights,” and that governments are instituted “to secure these Rights.” This inspired Constitution was established to provide a practical guarantee of these God-given rights (see D&C 101:77), and the language implementing that godly objective is scriptural to me.

3. Division of powers. Another inspired fundamental of the U.S. Constitution is its federal system, which divides government powers between the nation and the various states. Unlike the inspired adaptations mentioned earlier, this division of sovereignty was unprecedented in theory or practice. In a day when it is fashionable to assume that the government has the power and means to right every wrong, we should remember that the U.S. Constitution limits the national government to the exercise of powers expressly granted to it. The Tenth Amendment provides:

“The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively or to the people.”

This principle of limited national powers, with all residuary powers reserved to the people or to the state and local governments, which are most responsive to the people, is one of the great fundamentals of the U.S. Constitution.

The particular powers that are reserved to the states are part of the inspiration. For example, the power to make laws on personal relationship is reserved to the states. Thus, laws of marriage and family rights and duties are state laws. This would have been changed by the proposed Equal Rights Amendment (E.R.A.). When the First Presidency opposed the E.R.A., they cited the way it would have changed various legal rules having to do with the family, a result they characterized as “a moral rather than a legal issue.”12 I would add my belief that the most fundamental legal and political objection to the proposed E.R.A. was that it would effect a significant reallocation of law-making power from the states to the federal government.

4. Popular sovereignty. Perhaps the most important of the great fundamentals of the inspired Constitution is the principle of popular sovereignty: The people are the source of government power. Along with many religious people, Latter-day Saints affirm that God gave the power to the people, and the people consented to a constitution that delegated certain powers to the government. Sovereignty is not inherent in a state or nation just because it has the power that comes from force of arms. Sovereignty does not come from the divine right of a king, who grants his subjects such power as he pleases or is forced to concede, as in Magna Charta. The sovereign power is in the people. I believe this is one of the great meanings in the revelation which tells us that God established the Constitution of the United States.

“That every man may act . . . 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.” (D&C 101:78-80.)

In other words, the most desirable condition for the effective exercise of God given moral agency is a condition of maximum freedom and responsibility. In this condition men are accountable for their own sins and cannot blame their political conditions on their bondage to a king or a tyrant. This condition is achieved when the people are sovereign, as they are under the Constitution God established in the United States. From this it follows that the most important words in the United States Constitution are the words in the preamble: “We, the people of the United States ... do ordain and establish this Constitution.”

President Ezra Taft Benson expressed the fundamental principle of popular sovereignty when he said, “We [the people] are superior to government and should remain master over it, not the other way around.” 13 The Book of Mormon explains that principle in these words:

“An unrighteous king doth pervert the ways of all righteousness. . . .

“Therefore, choose you by the voice of this people, judges, that ye may be judged according to the laws. . . .

“Now it is not common that the voice of the people desireth anything contrary to that which is right; but it is common for the lesser part of the people to desire that which is not right; therefore this shall ye observe and make it your law- to do your business by the voice of the people.” (Mosiah 29:23-26.)

Popular sovereignty necessarily implies popular responsibility. Instead of blaming their troubles on a king or other sovereign, all citizens must share the burdens and responsibilities of governing. As the Book of Mormon teaches, “The burden should come upon all the people, that every man might bear his part.” (Mosiah 29:34.)

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President Clark’s third great fundamental was the equality of all men before the law. I believe that to be a corollary of popular sovereignty. When power comes from the people, there is no legitimacy in legal castes or classes or in failing to provide all citizens the equal protection of the laws.

The delegates to the Constitutional Convention did not originate the idea of popular sovereignty, since they lived in a century when many philosophers had argued that political power originated in a social contract. But the United States Constitution provided the first implementation of this principle. After two centuries in which Americans may have taken popular sovereignty for granted, it is helpful to be reminded of the difficulties in that pioneering effort.

To begin with, a direct democracy was impractical for a country of four million people and about a half million square miles. As a result, the delegates had to design the structure of a constitutional, representative democracy, what they called “a Republican Form of Government.”

The delegates also had to resolve whether a constitution adopted by popular sovereignty could be amended, and if so, how.

Finally, the delegates had to decide how minority rights could be protected when the government was, by definition, controlled by the majority of the sovereign people.

A government based on popular sovereignty must be responsive to the people, but it must also be stable or it cannot govern. A constitution must therefore give government the power to withstand the cries of a majority of the people in the short run, though it must obviously be subject to their direction in the long run.

Without some government stability against an outraged majority, government could not protect minority rights. As President Clark declared:

“The Constitution was framed in order to protect minorities. That is the purpose of written constitutions. In order that the minorities might be protected in the matter of amendments under our Constitution, the Lord required that the amendments should be made only through the operation of very large majorities—two-thirds for action in the Senate, and three-fourths as among the states. This is the inspired, prescribed order.”

The delegates to the Constitutional Convention achieved the required balance between popular sovereignty and stability through a power of amendment that was ultimately available but deliberately slow. Only in this way could the government have the certainty of stability, the protection of minority rights, and the potential of change, all at the same time.

To summarize, I see divine inspiration in these four great fundamentals of the U.S. Constitution:

• the separation of powers in the three branches of government;
• the Bill of Rights;
• the division of powers between the states and the federal government; and
• the application of popular sovereignty.

5. The rule of law and not of men. Further, there is divine inspiration in the fundamental underlying premise of this whole constitutional order. All the blessings enjoyed under the United States Constitution are dependent upon the rule of law. That is why President J. Reuben Clark said, “Our allegiance run[s] to the Constitution and to the principles which it embodies, and not to individuals.”

The rule of law is the basis of liberty.

As the Lord declared in modern revelation, constitutional laws are justifiable before him, “and the law also maketh you free.” (D&C 98:5-8.) The self control by which citizens subject themselves to law strengthens the freedom of all citizens and honors the divinely inspired Constitution.

CITIZEN RESPONSIBILITIES U.S. citizens have an inspired Constitution, and therefore, what? Does the belief that the U.S. Constitution is divinely inspired affect citizens’ behavior toward law and government? It should and it does.

U.S. citizens should follow the First Presidency’s counsel to study the Constitution. They should be familiar with its great fundamentals: the separation of powers, the individual guarantees in the Bill of Rights, the structure of federalism, the sovereignty of the people, and the principles of the rule of the law. They should oppose any infringement of these inspired fundamentals.

They should be law-abiding citizens, supportive of national, state, and local governments. The twelfth Article of Faith declares:

“We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.”

The Church’s official declaration of belief states:
“We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them. . . .

“We believe that all men are bound to sustain and uphold the respective governments in which they reside.” (D&C 134:1, 5.)

Those who enjoy the blessings of liberty under a divinely inspired constitution should promote morality, and they should practice what the Founding Fathers called “civic virtue.” In his address on the U.S. Constitution, President Ezra Taft Benson quoted this important observation by John Adams, the second president of the United States:

“Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.” 18

Similarly, James Madison, who is known as the “Father of the Constitution,” stated his assumption that there had to be “sufficient virtue among men for self government.” He argued in the Federalist Papers that “republican government presupposes the existence of these qualities in a higher degree than any other form.”19

It is part of our civic duty to be moral in our conduct toward all people. There is no place in responsible citizenship for dishonesty or deceit or for willful law breaking of any kind. We believe with the author of Proverbs that “righteousness exalteth a nation: but sin is a reproach to any people.” (Prov. 14:34.) The personal righteousness of citizens will strengthen a nation more than the force of its arms.

Citizens should also be practitioners of civic virtue in their conduct toward government. They should be ever willing to fulfill the duties of citizenship. This includes compulsory duties like military service and the numerous voluntary actions they must take if they are to preserve the principle of limited government through citizen self reliance. For example, since U.S. citizens value the right of trial by jury, they must be willing to serve on juries, even those involving unsavory subject matter. Citizens who favor morality cannot leave the enforcement of moral laws to jurors who oppose them.

The single word that best describes a fulfillment of the duties of civic virtue is patriotism. Citizens should be patriotic. My favorite prescription for patriotism is that of Adlai Stevenson:

“What do we mean by patriotism in the context of our times? . . . A patriotism that puts country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime.”20

I close with a poetic prayer. It is familiar to everyone in the United States, because U.S. citizens sing it in one of their loveliest hymns. It expresses gratitude to God for liberty, and it voices a prayer that he will continue to bless them with the holy light of freedom: Our fathers’ God, to thee, Author of liberty, To thee we sing; Long may our land be bright With freedom’s holy light. Protect us by thy might, Great God, our King! 21

NOTES
1. A version of this address, given at the Freedom Festival, Provo, Utah, was printed in Utah Forum, Fall/Winter 1989, pp. 1-11.
8. History of the Church, 6:57.
16. Ibid., p. 43.
19. The Federalist, no. 55.

The Doctrine of an Inspired Constitution

Gary Marshall, December 2008

Members of the Church of Jesus Christ of Latter-day Saints claim with deep conviction that the Constitution of the United States of America is an inspired document. That claim is based on ancient and modern scripture and on the statements of the prophets and leaders of this modern dispensation. The doctrine of an inspired constitution is part of the theology and religious doctrine of the Church. Certainly, most citizens of the United States have great reverence and respect for the Constitution as the supreme law of the land and the great safeguard of our freedom and forms of government. The U.S. Constitution has also been a most important source of the principles of freedom that have been an inspiration to any people who have sought to establish governments that would guarantee certain rights and privileges of liberty and self-government. But, claiming that the Constitution of the United States is an inspired document has become very unique to the faith of the Latter-day Saints. Because the U.S. Constitution is based on universal principles of liberty and freedom that are intended to bless all the people of the world, not just members of the Church who are citizens of the United States, but all members, regardless of their nationality and citizenship, should desire an understanding of this doctrine. Thus, understanding what the doctrine of an inspired constitution means and what it does not mean is very important to all members of the Church.

Much of the wisdom contained in the Constitution and its principles can be traced back through the political philosophies that developed in the Western World. Thus, the inspiration of the Constitution can be seen in those philosophies and in the marvelous way that the Founding Generation gleaned true principles of freedom and liberty from the experience and wisdom of the generations that preceded them. Inspiration can also be seen in the way the Founding Generation were willing to modify earlier principles based on their own experience with self-government during the colonial period. Inspiration can be seen in the marvelous debate that took place in America throughout the 1700s, but more intensely in the 1760s and 1770s. That debate refined the meaning of liberty and clarified its logic in a most extraordinary way. Certainly, inspiration can be seen in the Constitutional Convention of 1787. What happened there was also quite extraordinary. It was not an easy task for the delegates to that convention to maintain the principles of government on which they generally agreed while they labored to create the forms of government that, in their minds, would best preserve liberty for themselves and future generations. Inspiration came as they struggled to reach consensus or compromised when they could not totally agree. Inspiration most often came as they struggled to explain and convince each other of the best arrangements and forms of government, some of which had never been tried before. When the convention was over, they realized that the product of their combined efforts was much better than anything that could have been created by a single mind. The principles of liberty that had been skillfully articulated before were given fresh promise in the forms of government they created. All of these things, as well as many others, bear testimony that the doctrine of an inspired constitution is true doctrine.
In order for members of the Church to fully comprehend the doctrine of an inspired Constitution and its implications for them, they should understand the answers to at least five fundamental questions: (1) From what sources do we draw the doctrine of an inspired Constitution? (2) How can the doctrine of an inspired constitution be described and defined? (3) What are the “just and holy principles” of the Constitution that help us understand and bear witness that the doctrine of an inspired Constitution is true? (4) How might an understanding of history help us defend the doctrine of an inspired Constitution? (5) How does studying constitutional principles in the tradition of the Founding Generation help members of the Church of Jesus Christ of Latter-day Saints uphold the doctrine of an inspired Constitution and understand their responsibility to defend and protect the Constitution itself?

From what sources do we draw the doctrine of an inspired constitution?

As is the case for virtually all religious doctrines, the doctrine of an inspired constitution is drawn from scripture and from the statements of God's prophets and leaders.

1. From the scriptures that specifically set forth the doctrine: D&C 101:76-80; D&C 98:1-10; D&C 58:21-23, 26-28; D&C 109:54; D&C 134; Isaiah 2:3 (2 Nephi 12:3); Micah 4:2.

2. From the teachings of the prophets of this dispensation, all of whom have testified of the Constitution’s inspiration and of the important purposes for which the United States of America was established (see the Statements of the Brethren in the Appendix to this document).

3. From the scriptures which establish the related doctrine that America is a land of promise and that the United States of America is a promised nation in the midst of a promised land (see as examples: 1 Nephi 13:10-19; 2 Nephi 1:3-8; 3 Nephi 21:4).

How can the doctrine of an inspired constitution be described and defined?

All of the following statements taken together set forth the doctrine of an inspired constitution. It would be difficult to understand the doctrine without describing each of the following concepts separately, but some ideas of necessity flow together and overlap. Therefore, all the statements should be taken together; using just one statement and calling that “the doctrine” would be doing an injustice to the full breadth and complete nature of the doctrine.

1. The Constitution of the United States of America was established by the will and guiding providence of God (D&C 101:76-80).

2. The fundamental principles of the Constitution are “just and holy,” belong “to all mankind,” and are “justifiable” before the Lord because they are true, universal principles of freedom and liberty. At least some of these principles must form the basis of government in any civil society where the people wish to govern themselves in liberty and peace. These principles are part of the “perfect law of liberty” contained within the Gospel of Jesus Christ (D&C 101:77; D&C 98:5; see also James 1:25).

3. The Constitution and its principles should be maintained for the “rights and protection of all flesh” so that “every man” can use his “moral agency” to the fullest extent possible on earth and “be accountable for his own sins in the day of judgment,” for “it is not right that any man should be in bondage one to another” (D&C 101:77-79).

4. As it pertains “to the law of man,” the Constitution of the United States supports “that principle of freedom” which creates a system of carefully balanced liberty. Thus, order, restraint, responsibility, and the rule of law are balanced with “rights and privileges” and freedom in such a way that the Lord has declared, “whatsoever is more or less than this, cometh of evil” (D&C 98:5-7).
5. Those who laid the foundation for the United States of America and “established” the Constitution were “wise men” whom God raised up for that “very purpose” (D&C 101:80).

6. The purposes for establishing the Constitution were so important that God delivered this nation “out of the hands of all other nations” and “redeemed the land by the shedding of blood” (1 Nephi 13:17-19, D&C 101:80).

7. The way in which the principles of the Constitution have been emulated and adopted by many nations of the modern world is a partial fulfillment of the prophecy of Isaiah and Micah that “out of Zion shall go forth the law,” and a realization of the pleadings of the Prophet Joseph Smith that God’s mercy would be “upon all the nations of the earth,” and that the principles of the Constitution would “be established forever” (Isaiah 2:3 [2 Nephi 12:3]; Micah 4:2; D&C 109:54; see also the Dedicatory Prayer of the Idaho Falls Temple, Improvement Era, October 1945, p. 564).

8. The Constitution of the United States was also established to “secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.” It was established to prepare this nation for the restoration of the gospel of Jesus Christ through the Prophet Joseph Smith and to create within this nation the proper environment in which the Church of Jesus Christ of Latter-day Saints and its members collectively could flourish and prosper and the gospel could be preached in all the world (see D&C 134:2 and “Statements by the Brethren” in the attached Appendix).

9. The members of the Church of Jesus Christ of Latter-day Saints have a special responsibility to keep the “laws of the land,” to “proclaim peace,” and to “befriend,” maintain, and defend the Constitution and its principles against those ideas and forces that would destroy them (D&C 98:4-6, 16; D&C 58:21-23, 26-28; and “Statements by the Brethren” in the attached Appendix).

What are the “just and holy principles” of the Constitution that help us understand and bear witness that the doctrine of an inspired constitution is true?

The Constitution of the United States contains “just and holy principles”—those great fundamental truths about freedom and liberty that set forth the ways liberty in civil societies can be established and preserved. They are the basic and fundamental truths to which any civil government that desires to have "democracy" today must give some head. Some of the principles may not apply in every situation, but most of the principles must be used as the foundation of any government that desires to maintain freedom and liberty and provide for the security and happiness of its people.

The following list is not meant to be hierarchical. In other words, the principles in the list seem to be of relatively equal importance. There are at least 6 major principles. They are sustained and clarified by supporting principles that help us understand the breadth of each major principle. It would be difficult to leave any of the supporting principles out if the wisdom of the Founding Generation is to be understood. Each major principle and each supporting principle is a "just and holy" principle. The Founding Generation actually referred to all of these principles in one way or another. They called them "first principles" and often said that they must be careful to “recur” to these basic and fundamental ideas.

The same situation exists in trying to describe these “just and holy principles” as existed in the description of the doctrine” set forth above. It is obvious that some of the principles are closely related to each other but must be described separately if the breadth of the Founding Generation's wisdom and the Constitution's principles is to be understood. Each of the following bolded statements is intended to express a "just and holy" principle of the Constitution. The other material is intended to explain and clarify each statement of principle in the language of the Founding Generation.
1. The Supreme Law of the Land must be set forth in a Written Constitution: The written constitution should be established and upheld by the sovereign will of the people. It should describe the forms, structures, powers, and relationships of government entities, should protect the basic rights of the people, and should be founded on the great and essential principle of equality under the law.

Supporting Principle #1: Rule of Law must be the underlying premise of the entire constitutional system. The Founding Generation believed that in a free society that wishes to be governed by law, the people must voluntarily embrace and live by certain principles and values that create an atmosphere of freedom as well as an atmosphere of individual responsibility, order, and stability. A written constitution establishes the pattern and political structures that create and encourage that atmosphere. It also allows the people to have confidence that they will not be subject to the arbitrary will of one person or of a few people, but they will be governed by their own consent through processes clearly established and set forth in the fundamental law of the Constitution.

Supporting Principle #2: The power of government must be limited and constrained by a written constitution. The powers of civil governments must be sufficient to carry on the necessary work of government and to provide for the peace, security, and happiness of the people, but must not be considered absolute or unlimited. In order to preserve this principle of limited government, some governmental powers must be specifically listed and enumerated while other powers must be specifically prohibited in the fundamental law of the constitution.

Supporting Principle #3:Civil governments are ordained of God and instituted by Him for the benefit of all the people and for the protection of their basic, inalienable rights. Civil magistrates should govern in a spirit of equity and justice for the common defense and general welfare of the people. The people should uphold and sustain such governments through a spirit of obedience to established law and through a spirit of responsibility and self-restraint.

Supporting Principle #4: The content of the Constitution must be subject to change by an amendment process. This process must recur to the authority of the people and be reasonable. The process must also be sufficiently difficult that amendments are not the product of turmoil, strife, or passionate, factional interests.

2. The power to make law and to govern in a civil society must arise from the popular will and sovereign power of the people: In modern political discourse, this principle is referred to as popular sovereignty. The founding generation called it simply "popular government" founded on "republican principles." They claimed that all people have an equal right to be free of all earthly power except that to which they consent. In other words, all people have an equal right to exercise authority over the making and executing of the laws to which they are subject.

Supporting Principle #1: A true understanding of man’s nature—of both man’s capacity for virtue and man’s natural propensity to vice and corruption—must be the foundation of a government which derives its power from the people. Therefore, governments must be founded with sufficient faith in the collective wisdom and virtue of the people to trust the government to their will; but there must be sufficient understanding of the dark side of man’s nature to protect the people from their own tendencies to licentiousness and passion, and to protect them from the passion and ambition of their leaders.

Supporting Principle #2: Popular government must generally follow the will of the majority. That is the only rightful way to encourage the continued faith and confidence of the people in popular government.
Supporting Principle #3: A republic is the best form of popular government. The business of government must generally be conducted by “wise and frugal” representatives so the will of the majority can be refined, enlarged, and moderated. Therefore, a republic has the best chance to survive the excesses and dangers that are inherent in all popular governments.

Supporting Principle #4: The people have the right to choose those who govern in open and fair elections. Elections must be conducted in a spirit of unfettered freedom so that the people can freely choose those whom they consider to be honest, wise, and good leaders.

Supporting Principle #5: The terms of office for those who govern must be fixed and reasonable for the purposes of their offices.

3. Governments must secure and protect the basic, inalienable rights of the people. These rights must be protected and secured against the will and passions of the majority as well as the arbitrary will of those who govern. Life, liberty, property, freedom of conscience, and the pursuit of happiness were the fundamental rights most often mentioned by the Founding Generation.

Supporting Principle #1: Freedom of conscience must be protected as the most inherent and inalienable right of man. Since religion is the most important source of the people’s virtue, their moral integrity, and their understanding of their moral agency and free will, the free exercise of religion must be protected and encouraged. There should never be an established religion; civil governments should not mix religious influence with government policies in such a way that one religious group is favored and others are controlled or restricted in the exercise of their religious preferences. Loyalty to any particular religious group should never be required as a condition of service or participation in the government.

Supporting Principle #2: The great rights of free speech, freedom of the press, and of assembling and petitioning the government must be secured and protected. Liberty is ultimately protected by the right of the people to speak out against their government and to seek redress of their grievances by assembling together and petitioning the government without the threat of revenge or retaliation.

Supporting Principle #3: Prosecutions, accusations of wrongdoing, and judgments against the people must be based on principles of fairness, equity, justice, and due process of law. Among other things, the people must be secure against unreasonable searches and seizures; the people cannot be deprived of life, liberty, or property without due process of law; there must be probable cause for an arrest; the burden of proof must rest with the accuser, not the accused; the right to know the exact nature of the accusation must be preserved; the great rights of a speedy and public trial by an impartial jury, of legal counsel, and the privilege of confronting witnesses must be preserved; and punishments for wrongdoing must not be cruel or unusual and must fit the nature of the crime.

4. The legislative power (to make the law), the executive power (to administer and enforce the law), and the judicial power (to apply and interpret the law) must reside in separate branches or departments of the government. These fundamental powers of government must be divided and separated to create as much independence as is reasonable and possible. This independence will help control the corrupting influence of power and the tendency to tyranny because one individual, institution, or group will not exercise all governing power. In our modern political discourse, this is referred to as "separation of power."

Supporting Principle #1: Each of the three branches of government must have some check on the power of the other branches. Various checks and balances must be built into the structures of civil government so that the government’s long-term survival is not dependent on the virtue of
individual people or of individual leaders. Ambition and power must be made to counteract ambition and power; opposite and rival interests must be pitted against each other.

Supporting Principle #2: The legislative power, which tends to predominate in a republic, must be further divided. This division of the legislative power is intended to slow down the lawmaking process and remove that process, to some extent, from the immediate passions and shortsighted interests of the people. It is also intended that this division of legislative power will protect the people from various factional interests. The "lower" house of the legislature must represent the people directly to preserve the spirit of republican government. The "upper" house of the legislature is to be chosen indirectly, should exercise a moderating and cooling influence on the law-making power, and should protect certain local interests while maintaining a broad national view.

5. The powers to govern ought to be further divided by national and local interests. This federal system or federal structure divides the power to govern between the national government and the several states. This division of the sovereignty of government was a particularly important invention.

Supporting Principle #1: The powers given to any level of government should be based in moderation and justice, and should engender confidence and trust in the people. These powers must be reasonable, logical, and easy to understand.

Supporting Principle #2: The powers given to the national government should be specifically delegated, enumerated, and limited. The national government should be given the vital and important power of national security and common defense. This includes the power to make war and to create and regulate the military forces of the nation. The national government must also exercise certain powers that create an atmosphere for the prosperity and general welfare of the people. This power includes, among other things, the regulation of foreign and interstate commerce and providing a medium of exchange.

Supporting Principle #3: The state governments should exercise the powers to regulate the health, welfare, safety, education, and moral behavior of the people. All powers that are not delegated to the national government exclusively or that the states are not prohibited from doing by the Constitution should be reserved to the states or to the people.

6. The principles of economic freedom should be preserved and protected. Some powers of government must aid the people’s quest for happiness by protecting their property and the fruits of their own labors, and by encouraging industry and work, commerce, frugality, self-reliance, individual stewardship, and virtue. Government should promote science and the arts by protecting the interests of those who create and invent new things, and by creating an atmosphere of economic stability through such things as protecting contractual relationships.

How might an understanding of history help us defend the doctrine of an inspired Constitution?

There is no doubt that the fifty-five men who came to Philadelphia in the summer of 1787 were inspired in their commitments to important principles, that they were inspired in their willingness to compromise and reach consensus on the forms and structures of the government which they were creating, and that they were inspired and compelled by God’s good providence to “stick it out” and work through the difficult problems which faced them in their “Grand Convention.” But the claim for an inspired Constitution cannot rest solely on believing that these men were inspired then and there, in that moment, with all the constitutional principles which were included in the final document or with the necessary experience to complete their task. If, as a member of the Church, you are trying to understand the process by which the Constitution was inspired, or if you are trying to convince someone who is not of our faith that our doctrine of an inspired Constitution is legitimate and worthy
of their consideration, it would be extremely important to use the facts of history as your foundation. The facts and events of history are compelling in and of themselves. They reveal an extraordinary process through which the principles of the Constitution developed; they reveal an extraordinary process by which those principles were assimilated into the hearts and minds of the Founding Generation; and they reveal an extraordinary process by which those principles came to be included in the document itself.

The following list of historical events is intended to help each of us understand and defend our position on the doctrine of an inspired Constitution:

1. The distillation upon the hearts and minds of early Americans and the Founding Generation (as well as generations who preceded them) of the principles of liberty, freedom, and republican government bears witness of the Constitution’s inspiration. We can speak with conviction of the specific miracle of America’s place in history and the availability to the Founding Generation of the collective wisdom of the world’s history, especially the wisdom of Western Civilization on matters of freedom, liberty, law, natural law, rule of law, and self-government. History placed Americans in a position where there could be a miraculous fusing of religious, economic, and political truth into one grand whole. England’s heritage of freedom was particularly important to the full-scale development of the logic of liberty in America.

2. The unfolding of specific events in the 1700s, particularly in the 1760s and 1770s, that led to the marvelous national debate on “first principles” and to the eventual separation of the American colonies from England is witness of the Constitution’s inspiration. No other people had carried on the discussions of liberty with such fervor and determination. Americans were truly compelled by logic and reason to make great causes out of even small violations of their rights. The history of the world offers no other example of a people so compelled by their desire for civil liberty and by their desire to pursue happiness in an atmosphere of personal freedom. The number of Americans who participated in those debates and became convinced of the power of liberty upon the human soul is impressive. Modern historians who carefully study the period marvel at the extraordinary zeal of its participants and the truly “revolutionary” nature of their ideas.

3. The Revolutionary War itself was a miracle and a witness of the inspired coming forth of the Constitution. It defies reason to think that the British colonies of North America could have worn down the powerful forces of their mother country and won the war! Those who lived through it knew that God’s hand and providence were upon the matter. Modern historians tend to step around the extraordinary nature of particular events, but the amazing nature of the whole affair cannot be denied.

4. The fact that Americans could have survived a most critical period in their history—the period between the Revolutionary War and the adoption of the Constitution—is witness of inspiration in the Constitution. Americans did their best to base the forms and structures of their state governments and of the Articles of Confederation on the principles they had so carefully worked out before and during the Revolution. They were then willing to learn from their mistakes and make their political experiences of the 1780s a necessary antecedent to the writing of the Constitution in 1787. In the face of overwhelming odds, some Americans convinced others that a change in the form of their national government was absolutely necessary if America was to survive.

5. The “Miracle at Philadelphia”—that marvelous collective process at the “Grand Convention” of 1787 by which the Constitution was actually written—is further evidence of the Constitution’s inspiration. It was a difficult task that may have ended in failure without the tireless efforts of some of the delegates to reach consensus on difficult issues and to compromise on other issues for which compromise had seemed unthinkable when they began. It may have also ended in failure.
without the presence of George Washington, who had to be convinced to come. It was a collective effort of an extraordinary nature. No group of men had ever before in the history of the world been given the privilege and opportunity to design a form of government in careful and calculated deliberations in the midst of peace.

6. The miracle of ratification—that marvelous and contentious process by which the Constitution was given final approval of the people—bears witness that God willed the Constitution to be accepted. Historians may claim that a political elite pushed the document through by intrigue and skullduggery, but political events are always full of the necessary push and pull and intrigue of the moment. This period was no exception. However, the facts of the matter are clear—Americans debated openly the pros and cons of their new Constitution, and delegates in each state who had been chosen for the specific purpose of making a decision on the matter gave their approval. The addition of the Bill of Rights to the Constitution was an important result of this contentious political process.

7. The longevity of the Constitution bears witness of its inspiration. Its inclusion of “grand principles,” “great essentials,” “auxiliary precautions,” “just and holy principles,” bears witness to its inspiration. It has born the test of time. It is indeed a marvelous document. It is the oldest and first document of its kind. It was written when the population was less than five million, but it is still relevant today as the governing document of a very large, complex, and diverse nation—a nation which the Founding Generation itself could not have fully imagined, conceived, or anticipated. The world has looked to its principles for over two hundred years as the pattern of free, representative government. Virtually all other nations who have wished their freedom in the past two hundred years have followed suit in some degree or another. No nation has copied exactly the form of the government it created, but all who have wished for freedom and liberty have tried to copy and emulate its principles. Virtually no other nation or people place their constitution on a pedestal of supremacy as do the people of the United States, and no other constitution of any nation is held in the same degree of esteem and respect by the world’s people as is the Constitution of the United States of America.

How does studying constitutional principles in the tradition of the Founding Generation help members of the Church of Jesus Christ of Latter-day Saints uphold the doctrine of an inspired Constitution and understand their responsibility to defend and protect the Constitution itself.

1. The members of this Church must understand how the principles of the Constitution are grounded in fundamental and eternal truths concerning the capacity of civil societies to create and preserve freedom and liberty.

2. The members of this Church must also understand how the unique wisdom of the Founding Generation can reasonably and logically be applied to the issues, policies, and political challenges of our own time. It is particularly important that members of the Church understand constitutional principles well enough that they can make sound, reasoned judgments when they believe that there are departures from those principles in the way the American people are governed.

3. Members of this Church must be grounded in correct constitutional principles if they are to understand the implications and burdens of Joseph Smith’s prophecy: “Even this nation will be on the very verge of crumbling to pieces and tumbling to the ground, and when the Constitution is on the brink of ruin, this people will be the staff upon which the nation shall lean, and they shall bear the Constitution away from the very verge of destruction” (see statements concerning the prophecy of Joseph Smith in Appendix 1). This prophecy places a unique burden on members of the Church to defend the Constitution against those ideas and forces that could bring it to the brink of ruin and jeopardize the true liberty of the American people and the liberty of freedom-loving people in all the world.
4. The members of this Church must be wise in their efforts to defend the Constitution and its principles. They should follow carefully the counsel given in *Doctrine and Covenants* 58:21-23, 26-28: “Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land. Wherefore, be subject to the powers that be, until he reigns whose right it is to reign, and subdues all enemies under his feet. Behold, the laws which ye have received from my hand are the laws of the church, and in this light ye shall hold them forth. **Behold, here is wisdom...** For behold, it is not meet that I should command in all things; for he that is compelled in all things, the same is a slothful and not a wise servant; wherefore he receiveth no reward. Verily I say, men should be anxiously engaged in a good cause, and do many things of their own free will, and bring to pass much righteousness. For the power is in them, wherein they are agents unto themselves. And inasmuch as men do good they shall in nowise lose their reward.”

**Statements from Modern Prophets on the Inspired Constitution**

*(Statements of the brethren revised 8/10/04 — G L Marshall)*

**Joseph Smith, the Prophet**

Here is a principle also, which we are bound to be exercised with, that is, in common with all men, such as governments, and laws, and regulations in the civil concerns of life. This principle guarantees to all parties, sects, and denominations, and classes of religion, equal, coherent, and indefeasible rights; they are things that pertain to this life; therefore all are alike interested; they make our responsibilities one towards another in matters of corruptible things, while the former principles do not destroy the latter, but bind us stronger, and make our responsibilities not only one to another, but unto God also. Hence we say, that the Constitution of the United States is a glorious standard; it is founded in the wisdom of God. It is a heavenly banner; it is to all those who are privileged with the sweets of liberty, like the cooling shades and refreshing waters of a great rock in a thirsty and weary land. It is like a great tree under whose branches men from every clime can be shielded from the burning rays of the sun.

We, brethren, are deprived of the protection of its glorious principles, by the cruelty of the cruel, by those who only look for the time being. . . .

We say that God is true; that the Constitution of the United States is true; that the Bible is true; that the Book of Mormon is true; that the Book of Covenants is true; that Christ is true; that the ministering angels sent forth from God are true... *(Teachings of the Prophet Joseph Smith, 147; Note: It may be of interest to know that this statement comes near the end of a long letter written by the prophet between March 20 and 25, 1839, from Liberty Jail and signed by the other prisoners who were with him. Other portions of this letter became sections 121, 122, and 123 of the Doctrine and Covenants.)*

It is one of the first principles of my life, and one that I have cultivated from my childhood, having been taught it by my father, to allow every one that liberty of conscience. I am the greatest advocate of the Constitution of the United States there is on the earth. In my feelings I am always ready to die for the protection of the weak and oppressed in their just rights *(Teachings of the Prophet Joseph Smith, 326).*

**Brigham Young**

The general Constitution of our country is good, and a wholesome government could be framed upon it, for it was dictated by the invisible operations of the Almighty; he moved upon Columbus to launch forth upon the trackless deep to discover the American Continent; he moved upon the signers of the Declaration of Independence; and he moved upon Washington to fight and conquer, in the same way as he moved upon ancient and modern Prophets, each being inspired to accomplish the particular work he was called to perform in the times, seasons, and dispensations of the Almighty. God's purposes, in raising up these men...
and inspiring them with daring sufficient to surmount every opposing power, was to prepare the way for the formation of a true republican government (Discourses of Brigham Young, 359; Journal of Discourses, 7:13).

We believe that the Lord has been preparing that when he should bring forth his work, that when the set time should fully come, there might be a place upon his footstool where sufficient liberty of conscience should exist, that his Saints might dwell in peace under the broad panoply of constitutional law and equal rights. In this view we consider that the men in the Revolution were inspired by the Almighty, to throw off the shackles of the mother government, with her established religion. For this cause were Adams, Jefferson, Franklin, Washington, and a host of others inspired to deeds of resistance to the acts of the King of Great Britain, who might also have been led to those aggressive acts, for aught we know, to bring to pass the purposes of God, in thus establishing a new government upon a principle of greater freedom, a basis of self-government allowing the free exercise of religious worship.

It was the voice of the Lord inspiring all those worthy men who bore influence in those trying times, not only to go forth in battle but to exercise wisdom in council, fortitude, courage, and endurance in the tented field, as well as subsequently to form and adopt those wise and efficient measures which secured to themselves and succeeding generations, the blessings of a free and independent government.

This government, so formed, has been blessed by the Almighty until she spreads her sails in every sea, and her power is felt in every land (Discourses of Brigham Young, 359-360; Journal of Discourses, 2:170).

John Taylor

I will tell you what I think about the Constitution. I have just the same opinion of it that Joseph Smith had, and he said it was given by inspiration of God. The men did not know this who wrote it. The men did not know it who adopted it. Nevertheless it is true. There is an embodiment of principles contained therein calculated to bless and benefit mankind (The Gospel Kingdom, 307).

We believe that our fathers were inspired to write the Constitution of the United States, and that it is an instrument, full, lucid, and comprehensive; that it was dictated by a wise and foreseeing policy, and does honor to the heads and hearts of its framers; that it is the great bulwark of American liberty; and that the strict and implicit observance of which is the only safeguard of this mighty nation. We therefore rest ourselves under its ample folds (The Gospel Kingdom, 310).

Wilford Woodruff

I am an American citizen; a great many of this group, I hope, are. I was born in the State of Connecticut, and many of the New England forms and teachings in our childhood, sixty-five years ago, were good to receive and live by. But what I want to say is: we live in a government raised up by the God of heaven. We have a Constitution that was given by inspiration from God to man. I believe it is the best human form of government that was ever given to the human family. Now, I say if our rulers and governors become corrupt and attempt to trample those principles under their feet; though the nation itself might go to pieces, yet it is beyond the power of man to destroy the principles of the Constitution. They may destroy one another, yet the principles contained in that instrument will live, and the God of heaven will maintain them until Jesus Christ comes in the clouds of heaven to set up his throne in Jerusalem, and to reign on the earth a thousand years (The Discourses of Wilford Woodruff, 187; Journal of discourses 22:346 October 23, 1881).

As far as constitutional liberty is concerned, I will say, the God of heaven has raised up our nation, as foretold by his prophets generations ago. He inspired Columbus, and moved upon him to cross the ocean in
search of this continent. . . . It is also well known how our forefathers found a home and an asylum in this land from the hand of persecution, and how they planted here the tree of liberty and jealously guarded it from the attempt of the mother country to uproot and destroy it. The hand of God was in this; and it is through the intervention of his providence that we enjoy today the freest and most independent government the world ever saw. And what was the object of this? It was to prepare the way for the building up of the kingdom of God in this the last dispensation of the fullness of times; and as long as the principles of constitutional liberty shall be maintained upon this land, blessings will attend the nation (The Discourses of Wilford Woodruff, 188-189).

Lorenzo Snow

The Lord raised up reformers. We can trace the providences of the Almighty in raising up certain individuals to establish religious organizations, and we see in these things the workings of the Spirit of God for the general interest of the human family (Journal of Discourses, 14:304, January 4, 1872).

America's founders were inspired. We look upon George Washington, the father of our country, as an inspired instrument of the Almighty; we can see the all-inspiring Spirit operating upon him. And upon his co-workers in resisting oppression, and in establishing the thirteen colonies as a confederacy; and then again the workings of the same Spirit upon those men who established the Constitution of the United States. In a revelation contained in the Doctrine and Covenants the Lord says: “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.” We see the hand of the Lord in these things (Journal of Discourses, 14:304, January 14, 1872).

The Lord framed the American Constitution. We trace the hand of the Almighty in framing the constitution of our land, and believe that the Lord raised up men purposely for the accomplishment of this object, raised them up and inspired them to frame the Constitution of the United States (Teachings of Lorenzo Snow, 191-192; Journal of Discourses, 14:301, January 14, 1872).

Joseph F. Smith

I wish to say this, there isn't a feeling in my soul nor in any fiber of my being that is disloyal to the Government of the United States or to the desire that we have in our souls to maintain the principles of individual and National liberty, justice and freedom that have been established in the Constitution of our country. I believe in the Constitution of the United States. I believe in the principles which that instrument promulgates—the freedom of mankind to do right, to worship God according to the dictates of their own conscience, freedom to pursue their way in peace and to observe and maintain their rights, their freedom, their liberties, and justly recognize and equally preserve and defend the rights, freedom and liberty of their neighbors and of their fellow beings—and of all of God's creatures. I believe that the Constitution of the United States was and still is an inspired instrument. The Lord God Almighty inspired the minds that framed it, and I believe it ought to be most sacredly preserved. It is worthy of the defense and should be upheld by all the people of our land. I cannot say that I indorse always some of the acts of leading men. Now, the Lord bless you (Conference Report, April 1918, 5).

Heber J. Grant

Allow me to announce that from the day of Joseph Smith to this identical day, the leaders of this people have had absolute respect, love, and reverence for their country. Allow me to announce further that we are patriotic Americans to the core and that we have learned it, many of us, at our mother's knees where
we said our prayers. We believe absolutely in the inspiration of God to the men who framed our constitution. . . .

From my childhood days I have understood that we believe absolutely that the constitution of our country is an inspired instrument, and that God directed those who created it and those who defended the independence of this nation. Concerning this matter it is my frequent pleasure to quote the statement by Joseph Smith, regarding the constitution:

"The constitution of the United States is a glorious standard; it is founded in the wisdom of God. It is a heavenly banner; it is, to all those who are privileged with the sweets of liberty, like the cooling shades and refreshing waters of a great rock in a weary and thirsty land. It is like a great tree under whose branches men from every clime can be shielded from the burning rays of the sun."

And such the constitution of the United States must be to every faithful Latter-day Saint who lives under its protection (Gospel Standards, 128-129; The Improvement Era, 43:127, February 1943).

George Albert Smith

When our Father in Heaven inspired men to write the Constitution and give unto us the great charter that vouchsafed to us the liberty we enjoy, he did it in order that men might develop and be free, as the gospel of Jesus Christ intends that all men shall be. So the government of the United States was begun under the direction of our Father in Heaven, as declared by his own word, to be an example unto the nations of the earth; and the liberties that we enjoy are pointed out in a most forcible way to the children of men (Sharing the Gospel With Others, 169).

Our Heavenly Father raised up the very men that framed the Constitution of the United States. He gave us the greatest palladium of human rights that the world knows anything about, the only system whereby people could worship God according to the dictates of their consciences, without, in any way, being molested, when the law itself was in effect. Now that is what the Lord gave to us. That is the Constitution of our country. Yet, we have people who would like to change that and bring some of those old forms of government, that have failed absolutely to make peace and happiness and comfort any place in the world, and exchange what God has given us -- the fullness of the earth and the riches of liberty and happiness. There are those who go around whispering and talking and saying, "Let us change this thing." I am saying to you that, to me, the Constitution of the United States of America is just as much from my Heavenly Father as the Ten Commandments. When that is my feeling I am not going to go very far away from the Constitution, and I am going to try to keep it where the Lord started it, and not let anti-Christ’s come into this country that began because people wanted to serve God. (Conference Report, April 1948, 182)

David O. McKay

If we would make the world better, let us foster a keener appreciation of the freedom and liberty guaranteed by the government of the United States as framed by the founders of this nation. Here again self-proclaimed progressives cry that such old-time adherence is out of date. But there are some fundamental principles of this republic which, like eternal truths, never get out of date, and which are applicable at all times to liberty-loving peoples. Such are the underlying principles of the Constitution, a document framed by patriotic, freedom-loving men, who Latter-day Saints declare were inspired by the Lord (Conference Report, October 1940, 104).
Joseph Fielding Smith Jr.

No nation has been more greatly blessed than has the United States. We live in a land which has been called choice above all other lands by divine pronouncement. The Lord has watched over it with a jealous care and has commanded its people to serve him lest his wrath be kindled against them and his blessings be withdrawn.

Our government came into existence through divine guidance. The inspiration of the Lord rested upon the patriots who established it, inspired them through the dark days of their struggle for independence, and through the critical period which followed that struggle when they framed our glorious Constitution which guarantees to all the self-evident truth proclaimed in the Declaration of Independence. "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

That is to say, it is the right of every soul to have equal and unrestricted justice before the law, equal rights to worship according to the dictates of conscience and to labor according to his individual inclinations, independently of coercion or compulsion. That this might be, the Lord has said, “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 (Doctrine and covenants 101:80)” (Doctrines of Salvation, 3:324-325).

Harold B. Lee

Brethren of the priesthood, if we will be united and let our light shine, and not hide our light under a bushel but exercise it righteously, and let our priesthood callings be an eternal revolution against the norms of society or against any proposals that fall below the standards as set forth in the gospel of Jesus Christ or as laid down by the Constitution of the United States written by inspired men, then we will be a force in the world that will be “the marvelous work and wonder” which the Lord said the kingdom of God was to be (The Improvement Era, December 1970, 105).

Spencer W. Kimball

As members of Christ's true church we must stand firm today and always for human rights and the dignity of man, who is the literal offspring of God in the spirit.

The Mormon people who are citizens of [the United States of] America today are intensely loyal to its Constitution and desire in every way to promote the God-given freedoms it was designed to protect. They have had experience with the tragedy that results when those freedoms are not protected, but this only feeds their determination to do all within their power to protect these freedoms, both for themselves and others, everywhere (The Teachings of Spencer W. Kimball, 405).

Ezra Taft Benson

To fulfill the purpose of His omniscient design, our Heavenly Father foreordained certain valiant spirit children and assigned them to come to earth at specific times and places to fulfill their appointments. The greatest of these spirits He reserved to come as prophets and priesthood leaders in His kingdom. "Every man," said the Prophet Joseph Smith, “who has a calling to minister to the inhabitants of the world was ordained to that very purpose in the Grand Council of Heaven before this world was.”
Other good and valiant spirits were foreappointed to lay the foundation for man’s liberty through their service in political matters. The Founding Fathers of this American nation were in this category. President Wilford Woodruff said, “They are the best spirits the God of Heaven could find on the face of the earth. They were choice spirits.” They were held in reserve to collectively come in the time and at the place when one of history’s greatest crises demanded their talents (Teachings of Ezra Taft Benson, 21; “The Crises of Our Constitution,” Salt Lake Valley Utah Central Area Special Interest Lecture Series, 8 September 1977).

We must teach our children about the spiritual roots of this great nation. We must become actively involved in supporting programs and textbooks in the public schools that teach the greatness of the early patriots who helped forge our liberties. We must teach our children that it is part of our faith that the Constitution of the United States was inspired by God (see D&C 101:77, 80). We reverence it akin to the revelations that have come from His hand (Teachings of Ezra Taft Benson, 570; “Righteousness Exalteth a Nation,” Provo Utah Freedom Festival, 29 June 1986).

Consider how very fortunate we are to be living in this land of America. The destiny of this country was forged long before the earth was even created. This choice land was set apart by God to become the very cradle of freedom. Men of unflinching courage established this nation and under God’s guiding hand provided a Constitution, guaranteeing freedom to every one of its citizens (Teachings of Ezra Taft Benson, 587; “Freedom—Our Priceless Heritage,” Sons of the American Revolution, Salt Lake City, Utah, 22 April 1978).

About two hundred years ago some inspired men walked this land. Not perfect men, but men raised up by the Perfect Man to perform a great work. Foreordained were they to lay the foundation of this republic. Blessed by the Almighty in their struggle for liberty and independence, the power of heaven rested on these founders as they drafted that great document for governing men -- the Constitution of the United States. Like the Ten Commandments, the truths on which the Constitution were based were timeless; and also as with the Decalogue—the hand of the Lord was in it. They filled their mission well. From them we were endowed with a legacy of liberty—a constitutional republic (Teachings of Ezra Taft Benson, 595; An Enemy Hath Done This, 53).

Gordon B. Hinckley

There were men whom the God of Heaven had raised up who saw with a greater vision and dreamed a better and more inspired dream. [In 1787 they] met in Philadelphia. The heat of that summer was oppressive. . . . But somehow, under the inspiration of the Almighty, there was forged the Constitution of the United States. . . .

It is the keystone of our nation.

It is my faith and may conviction that it came not alone of the brain and purpose of man, but of the inspiration of God, for He Himself has declared, “I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose.”

America was born of that miracle (Teachings of Gordon B. Hinckley, 15: National Advisory council of BYU College of Business, November 2, 1973).

**OTHER STATEMENTS OF GENERAL INTEREST CONCERNING THE CONSTITUTION**

**Statements concerning prophecies of Joseph Smith on the Constitution**

On July 19, 1840, Martha Jane Knowlton Coray recorded that the prophet said the following:

“Even this nation will be on the very verge of crumbling to pieces and tumbling to the ground and when the Constitution is upon the brink of ruin this people will be the staff upon which the nation shall lean and they shall tear the Constitution away from the very verge of destruction” (Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah. Note: This version of the prophecy was restated by President Ezra Taft Benson. See *The Constitution, A Heavenly Banner*, 28, and “Our Divine Constitution,” Saturday morning conference session October 3, 1987).

President Brigham Young said that the Prophet Joseph Smith declared,

“The time will come when the destiny of the nation will hang upon a single thread. At that critical juncture, this people will step forth and save it from the threatened destruction.”

The context in which that statement was given appears below:

... [Our government] was instituted in the beginning by the Almighty. He operated upon the hearts of the Revolutionary Fathers to rebel against the English King and his Parliament, as he does upon me to preach "Mormonism." Both are inspired by him; but the work unto which they are called is dissimilar. The one was inspired to fight, and the other to preach the peaceable things of the kingdom of God. He operated upon that pusillanimous king to excite the colonists to rebellion; and he is still operating with this nation, and taking away their wisdom, until by-and-by they will get mad and rush to certain destruction.

Will the Constitution be destroyed? No: it will be held inviolate by this people; and, as Joseph Smith said, “The time will come when the destiny of the nation will hang upon a single thread. At that critical juncture, this people will step forth and save it from the threatened destruction.” It will be so (*Journal of Discourses*, 7:15, Brigham Young, July 4, 1854).

Elder Orson Hyde remembered the Prophet’s statement as follows:

It is said that Brother Joseph in his lifetime declared that the Elders of this Church should step forth at a particular time when the Constitution should be in danger, and rescue it, and save it. This may be so; but I do not recollect that he said exactly so. I believe he said something like this--that the time would come when the Constitution and the country would be in danger of an overthrow; and said he, If the Constitution be saved at all, it will be by the Elders of this Church. I believe this is about the language, as nearly as I can recollect it (*Journal of Discourses*, 6:152, January 3, 1858).

James Burgess recorded the following:

In the month of May 1843. Several miles east of Nauvoo. The Nauvoo Legion was on parade and review. At the close of which Joseph Smith made some remarks upon our condition as a people and upon our future prospects contrasting our present condition with our past trials and persecutions by the hands of our enemies. Also upon the constitution and government of the United States stating that the time would come when the Constitution and Government would hang by a brittle thread and would be ready to fall into other hands but this people the Latter day Saints will step forth and save it. General Scott and part of his staff on the American Army was present on the occasion. I, James Burgess, was
present and testify to the above (The Words of Joseph Smith [Provo, Utah: Brigham Young University, 1980], 279).

Brigham Young

…We mean to sustain the Constitution of the United States and all righteous laws.

We will cling to the Constitution of our country, and to the government that reveres that sacred charter of freemen’s rights; and, if necessary, pour out our best blood for the defense of every good and righteous principle.

It was observed this morning that the Government of the United States was the best or most wholesome one on the earth, and the best adapted to our condition. That is very true.

To accuse us of being unfriendly to the Government, is to accuse us of hostility to our religion, for no item of inspiration is held more sacred with us than the Constitution under which she acts. As a religious society, we, in common with all other denominations, claim its protection.

The signers of the Declaration of Independence and the framers of the Constitution were inspired from on high to do that work. But was that which was given to them perfect, not admitting of any addition whatever? No; for if men know anything, they must know that the Almighty has never yet found a man in mortality that was capable, at the first intimation; at the first impulse, to receive anything in a state of entire perfection. They laid the foundation, and it was for after generations to rear the superstructure upon it. It is a progressive—a gradual work

The general Constitution of our country is good, and a wholesome government could be framed upon it, for it was dictated by the invisible operations of the Almighty; he moved upon Columbus to launch forth upon the trackless deep to discover the American Continent; he moved upon the signers of the Declaration of Independence; and he moved upon Washington to fight and conquer, in the same way as he moved upon ancient and modern Prophets, each being inspired to accomplish the particular work he was called to perform in the times, seasons, and dispensations of the Almighty. God's purposes, in raising up these men and inspiring them with daring sufficient to surmount every opposing power, was to prepare the way for the formation of a true republican government. They laid its foundation; but when others came to build upon it, they reared a superstructure far short of their privileges, if they had walked uprightly as they should have done. . . .

When the day comes in which the Kingdom of God will bear rule, the flag of the United States will proudly flutter unsullied on the flagstaff of liberty and equal rights, without a spot to sully its fair surface; the glorious flag our fathers have bequeathed to us will then be unfurled to the breeze by those who have power to hoist it aloft and defend its sanctity.

How long will it be before the words of the prophet Joseph will be fulfilled? He said if the Constitution of the United States were saved at all it must be done by this people. It will not be many years before these words come to pass.

When the Constitution of the United States hangs, as it were, upon a single thread, they will have to call for the “Mormon” Elders to save it from utter destruction; and they will step forth and do it.

The present Constitution, with a few alterations of a trifling nature, is just as good as we want; and if it is sustained on this land of Joseph, it will be done by us and our posterity.

I expect to see the day when the Elders of Israel will protect and sustain civil and religious liberty and every Constitutional right bequeathed to us by our fathers, and spread these rights abroad in connection with the Gospel for the salvation of all nations. I shall see this whether I live or die. (Discourses of Brigham Young, 358-361)
John Taylor

We have got to establish a government upon the principle of righteousness, justice, truth and equality and not according to the many false notions that exist among men. And then the day is not far distant when this nation will be shaken from the center to circumference... When the people shall have torn to shreds the Constitution of the United States, the elders of Israel will be found holding it up to the nations of the earth and proclaiming liberty and equal rights to all men, and extending the hand of fellowship to the oppressed of all nations. This is part of the program, and as long as we do what is right and fear God, He will help us and stand by us under all circumstances (Journal of Discourses, 21:8).

We see many signs of weakness which we lament, and we would to God that our rulers would be men of righteousness, and that those who aspire to position would be guided by honorable feelings to maintain inviolate the Constitution and operate in the interest, happiness, well-being, and protection of the whole community. But we see signs of weakness and vacillation. We see a policy being introduced to listen to the clamor of mobs and of unprincipled men who know not of what they speak, nor whereof they affirm, and when men begin to tear away with impunity one plank after another from our Constitution, by and by we shall find that we are struggling with the wreck and ruin of the system which the forefathers of this nation sought to establish in the interests of humanity.

But it is for us still to sustain these glorious principles of liberty bequeathed by the founders of this nation, still to rally round the flag of the Union, still to maintain all correct principles, granting the utmost extent of liberty to all people of all grades and of all nations. If other people see fit to violate these sacred principles, we must uphold them in their entirety, in their purity, and be patriotic and law-abiding and act honorably toward our nation and to its rulers (The Gospel Kingdom, 298-299; Journal of Discourses, 22:143-144, July 3, 1881).

Joseph, the despised of his father's house, became their deliverer. Moses, the foundling and outcast of Egypt, became the deliverer and law-giver of Israel. Jesus, the despised Nazarene, introduced principles that revolutionized the moral ideas and ethics of the world. And it may not be among the improbabilities, that the prophecies of Joseph Smith may be fulfilled and that the calumniated and despised Mormons may yet become the protectors of the Constitution and the guardians of religious liberty and human freedom in these United States (The Gospel Kingdom, 307; Journal of Discourses, 23:262-266).

Wilford Woodruff

I will say to the Latter-day Saints that we have been more blessed in this land than has any other dispensation or generation of men. The Lord has been at work for the last three hundred years preparing this land, with a government and constitution which would guarantee equal rights and privileges to the inhabitants thereof, in the midst of which he could establish his kingdom. The kingdom is established, the work of God is manifest in the earth, the Saints have come up here into the valleys of the mountains, and they are erecting the house of God in the tops thereof, for the nations to flow unto. A standard of truth has been lifted up to the people, and from the commencement of this work the Latter-day Saints have been fulfilling that flood of revelation and prophecy which was given formerly concerning this great work in the last days. I rejoice in this, and also because we have every reason to expect a continuation of these blessings unto Zion (The Discourses of Wilford Woodruff, 184; Journal of Discourses, 15:10, April 6, 1872).

I know as God lives that if this or any other government departs from the principles of truth, becomes ripened in iniquity, forsakes the Lord, forsakes the principles of life and liberty, the God of heaven will hold it responsible. Judgments will come upon the wicked. When men depart from the principles of truth and cleave unto darkness and wickedness, they reap the whirlwind; they lay the foundation for desolation.
In all the history of the dealings of God with man this one principle, sooner or later, has manifested itself: that virtue exalteth a nation, while sin is a reproach to any people. You will see that this has been manifested in the history of all nations under heaven -- in their rise and progress and prosperity, and in their fall and decline and in their final overthrow and destruction. You will find in every instance that sin, error, darkness, falsehood, wrongdoing, have laid the foundation of the overthrow of every nation and city under heaven from the foundation of the world until the present time. What men sow they will reap, and what measure they measure to others will be measured unto them (The Discourses of Wilford Woodruff, 186–187; Journal of Discourses, 25:11, 25:6–7, January 6, 1884).

There is one principle which has been universally acknowledged by the Latter-day Saints, by Joseph Smith, Brigham Young, John Taylor, the apostles and all the leading men of the Church. I have heard Joseph Smith and Brigham Young say that if they had the power over the whole world, over every human being who breathes the breath of life, they would give every inhabitant of the earth the right to worship God according to the dictates of their own conscience. This is a principle which we believe in as Latter-day Saints, we ever have believed in it, and it is a principle which even the laws of our country, the Constitution of our government holds out to all of its citizens.

What! Would you give the Methodists, the Baptists, etc., the privilege of enjoying their religion? Certainly. Our city abounds with churches of different denominations. Have they ever been opposed by anybody belonging to this Church in the erection of their churches and in the enjoyment of their religion? I think not. If they have, they should not have been. Why would you do this? Because the God of heaven gives all his children this right and privilege, it belongs to the whole human family, every man, woman and child under heaven has the right to worship God according to his own views, and according to the light which he has. The Lord gives all the children of men this right and privilege. He gives them their agency and holds them responsible for their actions, and while the Lord does this, why should the children of men interfere? Why those scenes of blood that have taken place on the earth through religious principles? They are unrighteous. As Latter-day Saints we claim the same right that we would give to the inhabitants of all the world. We say to all men. "Enjoy your religion, worship God according to the dictates of your own conscience." We ask the same right as the children of God. We claim this by the Constitution and laws of our country, and upon this principle we have embraced the fulness of the everlasting gospel of Jesus Christ (The Discourses of Wilford Woodruff, 189–190; Journal of Discourses, 22:341–342).

I will here say, before closing, that two weeks before I left St. George, the spirits of the dead gathered around me, wanting to know why we did not redeem them. Said they, “You have had the use of the Endowment House for a number of years, and yet nothing has ever been done for us. We laid the foundation of the government you now enjoy, and we never apostatized from it, but we remained true to it and were faithful to God.”

These were the signers of the Declaration of Independence, and they waited on me for two days and two nights. I thought it very singular, that notwithstanding so much work had been done, and yet nothing had been done for them. The thought never entered my heart, from the fact, I suppose, that heretofore our minds were reaching after our more immediate friends and relatives.

I straightway went into the baptismal font and called upon brother McCallister to baptize me for the signers of the Declaration of Independence, and fifty other eminent men, making one hundred in all, including John Wesley, Columbus, and others; I then baptized him for every President of the United States, except three; and when their cause is just, somebody will do the work for them (The Discourses of Wilford Woodruff, 160–161; Journal of Discourses, 19:229, September 16, 1877; Note: Proxy baptisms and confirmations for the majority of the 39 signers of the Constitution had been done in the Endowment House almost a year earlier. This helps us understand why the signers of the Declaration of Independence came to Wilford Woodruff somewhat perplexed that the work had not been done for them.).

Aug 21, 1877, I Wilford Woodruff went to the [St. George] temple of the Lord this morning and was baptized for 100 persons who were dead including the singers of the Declaration of Independence all
except John Hancock and [William Floyd] I was baptized for the following names [a list of names follows].

. . . When Br. McAllister had baptized me for the 100 names, I baptized him for 21, including Gen Washington and his forefathers and all the Presidents of the United States that were not in my list except Buchannan VanBuren and Grant.

It was a vary interesting day. I felt thankful that we had the privilege and the power to administer for the worthy dead especially for the signers of the Declaration of Independence, that inasmuch as they had laid the foundation of our Government that we could do as much for them as they had done for us.

Sister Lucy Bigelow Young went forth into the font and was baptized for Martha Washington and her family and seventy (70) of the Eminent women of the world. I called upon all the Brethren and Sisters who were present to assist in getting endowments for those that we had been baptized for today. . . . (Wilford Woodruff's Journal, August 1877, Church Historical Department).

Joseph F. Smith

This great American nation the Almighty raised up by the power of his omnipotent hand, that it might be possible in the latter days for the kingdom of God to be established in the earth. If the Lord had not prepared the way by laying the foundations of this glorious nation, it would have been impossible (under the stringent laws and bigotry of the monarchical governments of the world) to have laid the foundations for the coming of his great kingdom. The Lord has done this. His hand has been over this nation, and it is his purpose and design to enlarge it, make it glorious above all others, and to give it dominion, and power over the earth, to the end that those who are kept in bondage and serfdom may be brought to the enjoyment of the fullest freedom and liberty of conscience possible for intelligent men to exercise in the earth. The Church of Jesus Christ of Latter-day Saints will be a strong supporter of the nation of which we are a part, in the accomplishment of this grand purpose. There are no more loyal people to their country on God's earth today than are the Latter-day Saints to this country. There are no better, purer or more honorable citizens of the United States to be found than are found within the pale of the Church of Jesus Christ of Latter-day Saints. I testify to this, and I know whereof I speak (Gospel Doctrine, 408–409; Conference Report, April, 1903, 73–74).

. . . I hope to see the day when the counsels of peace and good will from this powerful nation will be so recognized by the people of this continent all the way to the south of us, and by the inhabitants of the islands that border upon our coasts, both east and west, that peace and good will and elevation may be brought to pass and established among them through the instrumentality of an enlightened people. And I hope with all my soul that the members of the Church of Jesus Christ of Latter-day Saints will be loyal in their very hearts and souls, to the principles of the Constitution of our country. From them we have derived the liberty that we enjoy. They have been the means of guaranteeing to the foreigner that has come within our gates, and to the native born, and to all the citizens of this country, the freedom and liberty that we possess. We cannot go back upon such principles as these, we may go back upon those who fail to execute the law as they should. We may be dissatisfied with the decision of judges, and may desire to have them removed out of their places. But the law provides ways and means for all these things to be done under the Constitution of our country, and it is better for us to abide the evils that we have than to fly to greater evils that we know not what the results will be. All we have to do if an officer is not executing the duties of his office righteously is to impeach him or wait till his term of office is out, and then shelve him in the lawful way. The people have the power to leave him out and put a better man in his place, and that is strictly in accordance with the commandments of God contained in the book of D&C. "Wherefore honest men, and wise men should be sought for diligently and good men and wise men ye should observe to uphold," in positions of honor and of trust, that they may execute righteousness and prove themselves worthy of the confidence and patronage of the people who elevate them to positions. . . .

Now, these are the commandments of God, the principles contained in these commandments of the great Eternal are the principles that underlie the Constitution of our country and all just laws. Joseph Smith,
the prophet, was inspired to affirm and ratify this truth, and he further predicted that the time would come, when the Constitution of our country would hang as it were by a thread, and that the Latter-day Saints above all other people in the world would come to the rescue of that great and glorious palladium of our liberty. We cannot brook the thought of it being torn into shreds, or destroyed, or trampled under foot and ignored by men. We cannot tolerate the sentiment, at one time expressed by a man, high in authority in the nation. He said: "The Constitution be damned; the popular sentiment of the people is the constitution!" That is the sentiment of anarchism that has spread to a certain extent, and is spreading over "the land of liberty and home of the brave." We do not tolerate it. Latter-day Saints cannot tolerate such a spirit as this. It is anarchy. It means destruction. It is the spirit of monocracy, and the Lord knows we have suffered enough from monocracy, and we do not want any more of it. Our people from Mexico are suffering from the effects of that same spirit. We do not want any more of it, and we cannot afford to yield to that spirit or contribute to it in the least degree. We should stand with a front like flint against every spirit or species of contempt or disrespect for the Constitution of our country and the constitutional laws of our land (Conference Report, October 1912, 8–11).

David O. McKay

Next to being one in worshiping God, there is nothing in this world upon which this Church should be more united than in upholding and defending the Constitution of the United States (Gospel Ideals, 319; Conference Report, October 1939, 105).

Many years ago the Lord said to the prophet, speaking of America, that no king shall ever rule this land. (See II Nephi 10:11.) It is the land of the free; and it has become an ensign to the whole world. In this land was first revealed in this dispensation, the gospel of Jesus Christ. As thrones topple and monarchies crumble, we will see that the people who are given their free agency will begin to appreciate the principles of self-government, preparatory to their accepting the gospel of Jesus Christ, which is the perfect law of liberty. I can see in all this a step toward a truer brotherhood—a preparation for the millennium. It may yet be far in the future, no one knows, but I can see divine influence overruling the destiny of nations, at least preparatory to the preaching of the gospel of Jesus Christ (Gospel Ideals, 320; Conference Report, April 1917, 49).

I am grateful that The Church of Jesus Christ of Latter-day Saints believes with the Prophet Lehi that America is a “land of promise, a land choice above all other lands,” a land of liberty unto those who keep the commandments of God. I love the Stars and Stripes and the American way of life. I have faith in the Constitution of the United States. I believe that only through a truly educated citizenry can the ideals that inspired the founding fathers of our nation be preserved and perpetuated (Conference Report, October 1968, 5).

Joseph Fielding Smith Jr.

America had to be discovered, because it was upon this land that the gospel was to be restored. There had to be a breaking down of despotic power; feudalism had to come to an end; men had to be freed. It was necessary that parliaments be organized, that the Magna Charta be given to the people, and that they have a voice in what should and what should not be, in regard to government.

All of this had to be before the establishment of the Church of Jesus Christ of Latter-day Saints upon the earth. These things took place in Europe before the discovery of America. After America was discovered liberty upon this land received an impetus which the old world could not give to it; and through the shedding of blood, the land was redeemed (the Lord has said it) and freedom proclaimed in the constitution of the country, so that all peoples of the earth could find a place of refuge in America, the Land...
of Promise. When that was accomplished, the time had come for the bringing forth and establishing of the gospel of Jesus Christ upon the earth (Doctrine and Covenants 98:4-9) (Doctrines of Salvation, 1:178–179).

The statement has been made that the Prophet said the time would come when this Constitution would hang as by a thread, and this is true. There has been some confusion, however, as to just what he said following this. I think that Elder Orson Hyde has given us a correct interpretation wherein he says that the Prophet said the Constitution would be in danger.

Said Orson Hyde: “I believe he said something like this -- that the time would come when the Constitution and the country would be in danger of an overthrow; and said he: ‘If the Constitution be saved at all, it will be by the elders of this Church.’ I believe this is about the language, as nearly as I can recollect it” (Doctrines of Salvation, 3:326; Journal of Discourses, 6:152).

Harold B. Lee

Would it be sacrilegious to paraphrase the words of the Apostle Peter, and say that the Constitution of the United States could be saved by the elders of this Church because this Church and this Church alone has the words of eternal life? We alone know by revelation as to how the Constitution came into being, and we, alone, know by revelation the destiny of this nation. The preservation of “life, liberty and the pursuit of happiness” can be guaranteed upon no other basis than upon a sincere faith and testimony of the divinity of these teachings (Conference Report, October 1952, 18).

I have often wondered what that expression meant, that out of Zion shall go forth the law. Years ago I went with the brethren to the Idaho Falls Temple, and I heard in that inspired prayer of the First Presidency a definition of the meaning of that term “out of Zion shall go forth the law.” Note what they said: “We thank thee that thou hast revealed to us that those who gave us our constitutional form of government were wise in thy sight and that thou didst raise them up for the very purpose of putting forth that sacred document [the Constitution of the United States—see D&C 101:80] . . . .

“We pray that kings and rulers and the peoples of all nations under heaven may be persuaded of the blessings enjoyed by the people of this land by reason of their freedom and under their guidance and be constrained to adopt similar governmental systems, thus to fulfill the ancient prophecy of Isaiah and Micah that ‘. . . out of Zion shall go forth the law and the word of the Lord from Jerusalem’ “ (See Improvement Era, October 1945, 564. for the dedicatory prayer)(Teachings of Harold B. Lee, 377).

Ezra Taft Benson

It is a joy to know that at Brigham Young University increased attention is being given to one of what I consider the three greatest objectives of this institution. The first objective is to help build real Latter-day Saints—men and women who live according to the standards of the Church and kingdom of God. Second, to train young men and women for honorable vocations and for life. And third, to teach the responsibilities of citizenship. This includes an understanding of the principles of Americanism, and a love for the Constitution of this land and the glorious concepts and principles embodied in that great document. It also means to teach something of the prophetic history of this great nation and of the fruits of our free enterprise system (Teachings of Ezra Taft Benson, 294; “Responsibilities of Citizenship,” Brigham Young University Homecoming, Provo, Utah, 22 October 1954).

The coming forth of the Constitution is of such transcendent importance in the Lord's plan that ancient prophets foresaw this event and prophesied of it. In the dedicatory prayer for the Idaho Falls Temple, President George Albert Smith indicated that the Constitution fulfilled the ancient prophecy of Isaiah that “out of Zion shall go forth the law” (Isaiah 2:3) (Teachings of Ezra Taft Benson, 595).
The Lord raised up the Founding Fathers. He it was who established the Constitution of this land—the greatest document of freedom ever written (See D&C 101:77, 80). This God-inspired Constitution is not outmoded. It is not an outdated “agrarian document” as some would have us believe. It was the Lord God who established the foundation of this nation; and woe be unto those -- members of the Supreme Court and others -- who would weaken this foundation (Teachings of Ezra Taft Benson, 598; Conference Report, October 1965, Improvement Era 68 [December 1965]: 1150).

When I became President of the Twelve and Spencer W. Kimball became President of the Church, we met, just the two of us, every week after our Thursday meetings in the temple, just to be sure that things were properly coordinated between the Twelve and the First Presidency. After one of those first meetings, we talked about the many sacred documents in some of the older temples. St. George was mentioned in particular because St. George is our oldest temple in Utah. I had a stake conference down there about that time, and it was agreed that I would go into the archives -- the walk-in vault -- of that great temple and review the sacred documents that were there. We were planning for the remodeling and renovating of the St. George Temple and thought that the records might possibly be moved to Salt Lake for safekeeping. And there in the St. George Temple I saw what I had always hoped and prayed that someday I would see. Ever since I returned as a humble missionary and first learned that the Founding Fathers had appeared in that temple, I wanted to see the record. And I saw the record. They did appear to Wilford Woodruff twice and asked why the work hadn’t been done for them. They had founded this country and the Constitution of this land, and they had been true to those principles. Later the work was done for them.

In the archives of the temple, I saw in a book, in bold handwriting, the names of the Founding Fathers and others, including Columbus and other great Americans, for whom the work had been done in the house of the Lord. This is all one great program on both sides of the veil. We are fortunate to be engaged in it on this side of the veil. I think the Lord expects us to take an active part in preserving the Constitution and our freedom (Teachings of Ezra Taft Benson, 603; Sandy, Utah, 30 December 1978).

I reverence the Constitution of the United States as a sacred document. To me its words are akin to the revelations of God, for God has placed His stamp of approval on the Constitution of this land. I testify that the God of Heaven sent some of His choicest spirits to lay the foundation of this government, and He has sent other choice spirits—even you who read my words—to preserve it (The Constitution: A Heavenly Banner, 31).

11. What is meant by the phrase “divinely inspired Constitution”?

Resource Materials for this Topic:
2. The Constitution and Bill of Rights
3. Dallin Oaks, The Inspired Nature of the Constitution,
5. Articles of Confederation and Perpetual Union, 1787.

[NB: Some of the material herein may be the work of Gary Marshall and Eric Walz. Marshall’s content may appear in a forthcoming publication.]